SURFACE TRANSPORTATION SAFETY MEASURES

UNIVERSITY OF MICHIGAN
JUN 19 1957
MAIN READING ROOM

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE UNITED STATES SENATE

EIGHTY-FIFTH CONGRESS

FIRST SESSION

ON

S. 1386

A BILL TO AUTHORIZE THE INTERSTATE COMMERCE COMMISSION TO PRESCRIBE RULES, STANDARDS, AND INSTRUCTIONS FOR THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF POWER OR TRAIN BRAKES

S. 1463

A BILL TO AMEND THE MEDALS OF HONOR ACT TO AUTHORIZE AWARDS FOR ACTS OF HEROISM INVOLVING ANY MOTOR VEHICLE SUBJECT TO THE MOTOR CARRIER SAFETY REGULATIONS OF THE INTERSTATE COMMERCE COMMISSION

S. 1490

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S. 1491

A BILL TO REVISE THE TRANSPORTATION OF EXPLOSIVES ACT, CHAPTER 39, TITLE 18, OF THE UNITED STATES CODE, AS AMENDED

S. 1492

A BILL TO PROVIDE MORE ADEQUATE AND REALISTIC PENALTIES FOR VIOLATIONS OF CERTAIN STATUTES ADMINISTERED BY THE INTERSTATE COMMERCE COMMISSION

MARCH 20 AND 21, 1957

Printed for the use of the Senate Committee on Interstate and Foreign Commerce

UNITED STATES
GOVERNMENT PRINTING OFFICE
91289 WASHINGTON : 1957

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SURFACE TRANSPORTATION SAFETY MEASURES

WEDNESDAY, MARCH 20, 1957

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
Washington, D. C.

The committee met, pursuant to call, at 10 a. m., the Honorable George A. Smathers, chairman of the subcommittee, presiding.[1]

Senator SMATHERS. Gentlemen, the meeting will come to order.

We will have a number of other Senators here in just a moment. But I wanted to make a preliminary statement for the record. This might be an appropriate time to do that.

The Subcommittee on Surface Transportation has before it as subject of these hearings a number of bills dealing with safety matters within the jurisdiction of the Interstate Commerce Commission.

Each bill, introduced at the Commission's request, embodies a legislative recommendation made by the Commission in its 70th Annual Report to the Congress, which contains recommendations for transportation legislation on a number of subjects in addition to the safety measures to be considered now.

The subcommittee gave priority to the safety proposals of the Commission because of the need to meet changed conditions and because of the great public interest in adequate safety legislation. The bills to be considered are:

S. 1490 contains a proposal to add a new section 226a to the Interstate Commerce Act to require all motor carriers subject only to the rules and regulations of the ICC respecting qualifications and maximum hours of service of employees and safety of operation and equipment to file each year with the Commission a statement showing name and address of carrier and the number of vehicles owned or operated.

(The bill referred to is as follows:)

[S. 1490, 85th Cong., 1st sess.]

A BILL To amend part II of the Interstate Commerce Act to require the filing of brief statements by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part II of the Interstate Commerce Act, as amended, is amended by inserting between sections 226 and 227 thereof (49 U. S. C., secs. 326 and 327, respectively), a new section 226a reading as follows:

"SEC. 226a. In order to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment, have adequate

[1] Staff members assigned to this hearing: Frank L. Barton and William L. Kohler.

knowledge of such rules and regulations, and to promote compliance therewith, each such carrier shall, on or before September 1 of each year, file with the Commission a statement, in such manner as the Commission may prescribe, showing (1) the name of the carrier, (2) the location or principal address of the carrier, and (3) the number of vehicles owned or operated."

Senator SMATHERS. S. 1491 would rewrite the statute generally known as the Transportation of Explosives Act (18 U. S. C., 831–835), in order to extend its application specifically to transportation of radioactive materials and etiologic agents (live viruses and bacteria) and to broaden the statute, now applicable to common carriers, to apply to contract and private carriers.

(The bill referred to is as follows:)

[S. 1491, 85th Cong., 1st sess.]

A BILL To revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code, chapter 39, sections 831–835, inclusive, entitled, "Explosives and Combustibles", as amended, is hereby amended to read as follows:

"CHAPTER 39—EXPLOSIVES AND COMBUSTIBLES

"Sec.
831. Definitions.
832. Transportation of dynamite, powder, and fuzes; liquid nitroglycerin and other similarly dangerous explosives; and radioactive materials and etiologic agents.
833. Marking packages containing explosives.
834. Regulations by Interstate Commerce Commission.
835. Administration.

"§ 831. Definitions

"As used in this chapter—

" 'Carrier' means any person engaged in the transportation of passengers or property, by land, other than pipelines, including common, contract, and private carriers and freight forwarders, and officers, agents, and employees of such carriers.

" 'Person' means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

" 'For-hire carrier' includes common and contract carriers.

" 'Shipper' shall be construed to include officers, agents, and employees of shippers.

" 'Interstate and foreign commerce' means commerce between a point in one State and a point in another State, between points in the same State through another State or through a foreign country, between points in a foreign country or countries through the United States, and commerce between a point in the United States and a point in a foreign country or in a Territorial possession of the United States, but only insofar as such commerce takes place in the United States. The term 'United States' as used herein means the forty-eight States and the District of Columbia. For the purpose of this Act, the District of Columbia shall be deemed to be a State.

" 'Detonating fuzes' means fuzes used in naval or military service to detonate the high-explosive charges of military projectiles, mines, bombs, or torpedoes.

" 'Fuzes' means devices used in igniting the high-explosive charges of projectiles.

" 'Primers' means devices used in igniting the propelling powder charges of ammunition.

" 'Fuses' means the slow-burning fuses used commercially to convey fire to an explosive combustible mass.

" 'Fusees' means the fusees ordinarily used on steamboats, railroads and motor carriers as night signals.

"§ 832. Transportation of dynamite, powder, and fuzes; liquid nitroglycerin and other similarly dangerous explosives; and radioactive materials and etiologic agents

"(a) Any person who knowingly transports, carries, or conveys within the United States, any high explosives, such as and including dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, or any radioactive materials, or etiologic agents, on or in any car or vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce, by land, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both: *Provided, however*, That such explosives, radioactive materials, or etiologic agents may be transported on or in such car or vehicle whenever the Commission finds that an emergency requires an expedited movement, in which case such emergency movements shall be made subject to such regulations as the Commission may deem necessary or desirable in the public interest in each instance: *Provided, further*, That under this section it shall be lawful to transport on or in any such car or vehicle, small quantities of explosives, radioactive materials, or other dangerous commodities of the kinds, in such amounts, and under such conditions as may be determined by the Interstate Commerce Commission to involve no appreciable danger to persons or property: *And provided further*, That it shall be lawful to transport on or in any such car or vehicle such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in the operation of any such car or vehicle on or in which transported. This section shall not prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment cars or vehicles.

"(b) No person shall knowingly transport, carry, or convey in interstate or foreign commerce, by land, within the United States, liquid nitroglycerin, fulminate in bulk in dry condition, or other similarly dangerous explosives, or radioactive materials, or etiologic agents, except under such rules and regulations as the Commission shall specifically prescribe with respect to the safe transportation of such commodities. The Commission shall from time to time determine and prescribe what explosives are 'other similarly dangerous explosives', and may prescribe the route or routes over which such explosives shall be transported. Any person who violates this provision, or any regulation prescribed thereunder by the Interstate Commerce Commission, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"§ 833. Marking packages containing explosives

"Any person who knowingly delivers to any for-hire carrier engaged in interstate or foreign commerce by land or water, and any person who, for hire or otherwise, knowingly carries upon any car or vehicle operated in interstate or foreign commerce by land any explosive, or other dangerous article, specified in or designated by the Interstate Commerce Commission pursuant to section 834 of this title, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or any person who so delivers any such article without informing such for-hire carrier in writing of the true character thereof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof, if such marking is required by regulations prescribed by the Interstate Commerce Commission, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any persons results from a violation of this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"§ 834. Regulations by Interstate Commerce Commission

"(a) The Interstate Commerce Commission shall formulate regulations for the safe transportation within the United States of explosives and other dangerous articles, including radioactive materials, etiologic agents, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land, and upon all shippers making shipments of explosives or other dangerous articles

via any for-hire carrier engaged in interstate or foreign commerce by land or water.

"(b) The Commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions.

"(c) Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport.

"(d) Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is specified by the Commission, take effect ninety days after their formulation and publication by the Commission and shall be in effect until reversed, set aside, or modified.

"(e) In the execution of sections 831–835 of this title the Commission may utilize the services of carrier and shipper associations, including the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and may avail itself of the advice and assistance of any department, commission, or board of the Federal Government, and of State and local governments, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law.

"(f) Any person who violates any such regulation shall be fined not more than $1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from such violation, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"§ 835. Administration

"(a) The Interstate Commerce Commission is authorized and directed to administer, execute, and enforce all provisions of this chapter, to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration, and to employ such officers and employees as may be necessary to carry out these functions;

"(b) The Commission is authorized to make such studies and investigation, obtain such information, and hold such hearings as it may deem necessary or proper to assist it in exercising any authority provided in this chapter. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirement under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (49 U. S. C. 46), shall apply with respect to any individual who specifically claims such privilege. Witnesses subpenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

"(c) In administering and enforcing the provisions of this chapter and the regulations prescribed thereunder the Commission and its authorized representatives shall have and exercise all the powers conferred upon it and them by the Interstate Commerce Act, including procedural, and investigative, powers and the power to examine and inspect records and properties of carriers engaged in transporting dangerous articles in interstate or foreign commerce and the records and properties of shippers to the extent that such records and properties pertain to the packing and shipping of dangerous articles and the nature of such commodities."

Senator SMATHERS. S. 1492 would increase the penalties for violations of the Safety Appliance Acts, Hours of Safety Act, Locomotive Inspection Act (all pertaining to railroads), and section 222 (a) and (c) of the Interstate Commerce Act, applying to motor carriers.

(The bill referred to is as follows:)

[S. 1492, 85th Cong., 1st sess.]

A BILL To provide more adequate and realistic penalties for violations of certain statutes administered by the Interstate Commerce Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Safety Appliance Acts, as amended (45 U. S. C. 1–16), are amended as follows:

(1) By striking in the first clause of section 6 of the Act of March 2, 1893, as amended (45 U. S. C. 6), the words "one hundred dollars" and substituting in lieu thereof the words "five hundred dollars"; and

(2) By striking in the first clause of section 4 of the Act of April 14, 1910 (45 U. S. C. 13), the words "one hundred dollars" and substituting in lieu thereof the words "five hundred dollars".

SEC. 2. Section 3 of the Hours of Service Act, as amended (45 U. S. C. 63), is amended by striking in the first clause of the first sentence thereof the words "not less than $100 nor more than".

SEC. 3. Section 9 of the Locomotive Inspection Act, as amended (45 U. S. C. 34), is amended by striking in the first clause thereof the words "one hundred dollars" and substituting therefor the words "five hundred dollars".

SEC. 4. Section 222 of the Interstate Commerce Act, as amended (49 U. S. C. 322), is amended as follows:

(1) By striking in the first sentence of subsection (a) thereof the words "not more than $100 for the first offense and not more than $500 for any subsequent offense.", and substituting therefor the words "not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $2,500 for any subsequent offense.", and

(2) By striking in subsection (c) thereof the words "not more than $500 for the first offense and not more than $2,000 for any subsequent offense." and substituting therefor the words "not less than $500 nor more than $2,000 for the first offense and not less than $1,000 nor more than $5,000 for any subsequent offense.".

Senator SMATHERS. S. 1386 would amend the Safety Appliances Act to direct the ICC, after hearing, to prescribe or alter rules and standards for installation, maintenance, and repair of power or train brakes with such standards to apply to all train vehicles used by the railroads in interstate commerce.

(The bill referred to is as follows:)

[S. 1386, 85th Cong., 1st sess.]

A BILL To authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of March 2, 1903 (chapter 976, sec. 2, 32 Stat. 943, 45 U. S. C., title 45, chapter 1, secs 1–16) is amended (1) by changing the semicolon at the end of the third clause thereof to a period, (2) by striking the remaining language of the section, and (3) by adding at the end of that section the following new language: "The Commission shall prescribe, after hearing, rules, standards, and instructions for the installation, inspection, maintenance, and repair of all power or train brakes, and such rules, standards, and instructions shall remain the rules, standards, and instructions for the installation, inspection, maintenance, and repair of all power or train brakes, unless changed, after hearing, by order of the Commission. The provisions and requirements of this section shall be held to apply to all trains, locomotives, tenders, cars and similar vehicles used, hauled, or permitted to be used or hauled, by any railroad engaged in interstate commerce; and failure to comply with any rule, regulation or requirement promulgated by the Commission pursuant to the provisions of this section shall be subject to the like penalty as failure to comply with any requirement of this section."

Senator SMATHERS. S. 1463 would amend the Medals of Honor Act (45 U. S. C., secs. 44–46), that now applies to acts of heroism in railroad wrecks or disasters, to apply to similar acts involving any motor vehicle subject to safety regulations established by the Interstate Commerce Commission.

(The bill referred to is as follows:)

[S. 1463, 85th Cong., 1st sess.]

A BILL To amend the Medals of Honor Act to authorize awards for acts of heroism involving any motor vehicle subject to the motor carrier safety regulations of the Interstate Commerce Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Medals of Honor Act (45 U. S. C., secs 44–46) is amended as follows:

(1) By inserting between the word "commerce" and the colon preceding the proviso in section 1 thereof the words "or involving any motor vehicle subject to safety regulations established by the Interstate Commerce Commission under the provisions of section 204 (a) of the Interstate Commerce Act", and

(2) By changing section 3 thereof to read: "Appropriations for the Interstate Commerce Commission are hereby made available for carrying out the provisions of this Act.".

Witnesses may, in a single appearance, testify on any or all of the bills but are requested to make brief oral statements and file, for inclusion in the record, any additional material. This request is made in the interest of conserving the time of both committee members and witnesses. The record will be kept open a reasonable time to allow revisions or additional material to be filed.

Hearings will begin tomorrow, Thursday, March 21, at 10:30 a. m., instead of 10 o'clock.

At this point I would like to insert the agency comments on the bills that we are considering.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 19, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter dated February 27, 1957, acknowledged March 1, enclosing a copy of S. 1386, 85th Congress, 1st session, entitled "A bill to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintennace, and repair of power or train brakes," and requesting any comments we may care to offer on the proposed measure.

The provisions of this bill do not affect the functions of the General Accounting Office and, since we have no detailed information with respect to the need for, or advisability of, legislation of this nature, we make no comment concerning its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

UNITED STATES DEPARTMENT OF JUSTICE,
March 29, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 1386) to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes.

The bill would provide that the Interstate Commerce Commission shall prescribe rules, standards, and instructions for the installation, inspection, maintenance and repair of power or train brakes.

Whether the bill should be enacted involves a question of policy concerning which this Department prefers to make no recommendation.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 2, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter dated March 5, 1957, acknowledged March 8, enclosing a copy of S. 1463, 85th Congress, 1st session, entitled "A bill to amend the Medals of Honor Act to authorize awards for acts of heroism involving any motor vehicle subject to the motor carrier safety regulations of the Interstate Commerce Commission," and requesting any comments we made care to offer concerning the proposed measure.

The provisions of S. 1463 appear adequate to effectuate the purposes intended. However, we have no information relative to the need for, or advisability of, extending the provisions of the Medals of Honor Act to include accidents involving motor vehicles subject to Interstate Commerce Commission regulations and, accordingly, we make no recommendations with respect to enactment of the bill.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

MARCH 26, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR *Senator*: This is in response to your request for the views of the Department of Justice concerning the bill (S. 1463) to amend the Medals of Honor Act to authorize awards for acts of heroism involving any motor vehicle subject to the motor carrier safety regulations of the Interstate Commerce Commission.

The bill has been examined, but since the subject matter thereof is not related to any of the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

THE SECRETARY OF COMMERCE,
Washington, D. C., May 22, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of March 6, 1957, for the views of this Department with respect to S. 1490, a bill to amend part II of the Interstate Commerce Act to require the filing of brief statements by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission.

The bill would amend the Motor Carrier Act (part II of the Intersttae Commerce Act) by adding a new section requiring each motor carrier subject only to the safety and hours of service regulations of the Interstate Commerce Commission to file with the Commission a statement showing the name of the carrier, its location or principal address, and the number of vehicles owned or operated.

The purpose for requiring such registration is to enable the Commission to administer the motor carrier safety provisions of the act more effectively. The Commission's jurisdiction in motor carrier safety matters extends generally to all motor carriers engaged in interstate or foreign commerce. The Commission, through its other regulatory functions, has adequate knowledge of motor common and contract carriers subject to the act. It has experienced great difficulty, however, in obtaining sufficient information with respect to the identity and number of otherwise unregulated carriers in such important categories as private carriers of property and haulers of agricultural and related commodities exempt under section 203 (b) (6) of the act. The Commission estimates that there are 140,000 carriers operating over 1 million vehicles who are subject to safety regulation but who are otherwise exempt from regulation.

According to the Commission, it has been able to serve copies of its safety regulations on only a small number of these carriers. Recent road checks by

the Commission's safety inspectors show incidents of carriers' ignorance of their obligation to comply with the Commission's safety regulations.

Since the Commission's purpose for requesting authorization to require this registration is to circularize these carriers with informational and educational materials in order to promote better compliance with the safety regulations, this Department would interpose no objection to its enactment.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., March 13, 1597.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 1490), to amend part II of the Interstate Commerce Act to require the filing of brief statements by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission.

The bill has been examined, but since the subject matter thereof is not related to any of the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 23, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: This is in further response to your letter of March 6, 1957, requesting my comments on S. 1490, a bill to amend part II of the Interstate Commerce Act to require the filing of brief statements by motor carriers subject only to the safety and hours service regulations of the Interstate Commerce Commission, and S. 1492, a bill to provide more adequate and realistic penalties for violations of certain statutes administered by the Interstate Commerce Commission. It appears that these bills are intended to improve the administration and enforcement procedures of the Interstate Commerce Commission in carrying out its necessary supervisory functions.

I would prefer to leave comments on these bills to the Interstate Commerce Commission, which has the primary interest in and would be directly affected by these proposals.

The Bureau of the Budget advises that it has no objection to the submission of this report.

JAMES P. MITCHELL,
Secretary of Labor.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 14, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter of March 6, 1957, requesting our comments on S. 1490.

This bill would amend part II of the Interstate Commerce Act to require the annual filing with the Interstate Commerce Commission of certain specified information by motor carriers subject only to the Commission's safety and hours of service regulations. The underlying purpose of the proposed legislation is to

insure both knowledge of, and compliance with, such regulations, and the information required to be filed would apprise the Commission of the names and addresses of, and number of vehicles operated by, carriers in this category.

Since this proposal as to carrier regulation does not directly affect the functions of our Office, and since we have no special information as to its merits, we have no occasion to object to the enactment of S. 1490.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE ARMY,
Washington, D. C., April 23, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 1491, 85th Congress, a bill to revise the Transportation of Explosives Act, chapter 39, title 18 of the United States Code, as amended. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The purpose of S. 1491 is to give effect to legislative recommendation No. 21 of the Interstate Commerce Commission in its 70th annual report. The bill is designed to amend the Transportation of Explosives Act to specifically include radioactive materials and to apply to contract and private carriers as well as common carriers.

The proposed bill will materially affect the Department of Defense's transportation of radioactive material, both that now undertaken and the transportation anticipated in the future. The proposed new section 832 (a) would make it a crime to transport radioactive materials with escort, as the Department of Defense now transports them, and proposed new section 832 (b) would subject to the jurisdiction of the Interstate Commerce Commission all transportation of radioactive materials. Further, section 833 would require the marking of packages containing radioactive materials in interstate commerce in such a way as to defeat the usual security measure adopted for the protection of such transportation. Finally, the proposed new section 835 would subject the transportation of this Department of radioactive materials to administration and regulation by the Interstate Commerce Commission.

For these reasons this Department would interpose no objection to the proposed bill only if there were added to it a new section containing the following language:

"Nothing in this Act shall apply to shipments originated by the Department of Defense or the Atomic Energy Commission or by their officers, employees, or designees whenever it is determined by the Department of Defense or the Atomic Energy Commission that application of any of the restrictions or requirements contained herein would adversely affect the defense, security or national interest of the United States."

This Department is fully aware of the highly desirable benefits derived from the supervision by the Interstate Commerce Commission of the transportation of explosives, and it is with reluctance that this Department feels it must propose the above-quoted language. This Department is constantly working on safety measures which would require a very high standard of safety in the transportation of radioactive materials, since we are very cognizant of the risk involved. This Department does feel that its experience and knowledge in the transportation of radioactive materials places it in a position to prescribe safety standards for the transportation of such materials and that the Interstate Commerce Commission, lacking experience in the field and the knowledge of the properties of radioactive materials which is possessed by this Department, should not undertake the formulation of rules and regulations in this area. This Department would propose, of course, to cooperate fully with the Interstate Commerce Commission and any other interested agency in the formulation of its own regulations for the transportation of radioactive materials.

Further, in the interests of clarity the following recommendation for changes in the language of the proposed act is made:

(*a*) The inclusion of a definition of the term "etiologic agent" in the proposed amendment to section 831 of the act.

(*b*) In several places throughout the bill the term "naval or military service" is used. In order to prevent a possible interpretation that the Air Force is not included, the following language change is recommended: Page 3, lines 3 and 4, delete "naval or military service" and substitute "armed services"; page 4, line 23, delete "military or naval forces" and substitute "forces of the armed services".

(*c*) Inasmuch as there are types of torpedoes which are not explosive, it is suggested that the word "explosive" be inserted before "torpedoes" on page 4, line 19.

(*d*) The word "mercury" be inserted before the word "fulminate" on page 5, line 2.

The fiscal effects of the bill cannot be estimated.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Inasmuch as the committee has requested that the report be expedited, it is submitted without a determination by the Bureau of the Budget as to whether or not it conforms to the program of the President. As soon as such advice is received it will be forwarded to your committee.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 26, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: This is in response to your request for a report on S. 1491, a bill to revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended.

The bill does not appear to relate to any matter within the jurisdiction of this Department or to affect any matter upon which the Department would be in a position to give helpful information or advice. Accordingly, this Department has no comment to offer with respect to the merit of the purpose or provisions of the bill.

We greatly appreciate your bringing this matter to our attention, and welcome the opportunity to submit recommendations on any measure where the activities of the Department may possibly be involved, or where its experience may possibly be of value.

Sincerely yours,

HATFIELD CHILSON,
Acting Secretary of the Interior.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., April 25, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1491) to revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended.

This measure was introduced by you on March 5, at which time you had printed in the Congressional Record a letter received by you from the Chairman of the Interstate Commerce Commission requesting this legislation and submitting a statement in justification of it.

As indicated in the printed statement, the bill would amend those sections of title 18 of the United States Code commonly known as the Transportation of Explosives Act, so as to include specifically radioactive materials and etiologic agents. It would make the act applicable to contract and private carriers as well as to common carriers, and would delete the word "knowingly", from present section 835, entitled "Regulations by Interstate Commerce Commission." These

and a number of other changes to be effected by the bill are discussed at length in the statement of the Interstate Commerce Commission.

The Department of Justice would have no objection to the enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

DEPARTMENT OF STATE,
Washington, April 4, 1957.

In reply to SH 811.3973/3–657

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: Reference is made to your letter of March 6, 1957, and to the Department's acknowledgment thereof of March 7, 1957, concerning S. 1491, to revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended.

As there appears to be no question of foreign policy raised by the bill, the Department has no comments to offer.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

ROBERT C. HILL, *Assistant Secretary*
(For the Secretary of State).

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C., March 22, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter of March 6, 1957, requesting our comments on S. 1491.

This bill is apparently designed to modernize the Transportation of Explosives Act (18 U. S. C. 831, et seq.), and make it more effective. For the purposes of this act, the bill proposes to bring radioactive materials and etiologic agents specifically within the purview of regulations on the transportation of explosives and combustibles. The coverage of the act is proposed to be extended to all interstate for-hire carriers by land to all shippers tendering commodities within the scope of the act to such carriers, whether for interstate or foreign transportation by land or by water. The bill further proposes to strengthen the section relating to violations of Interstate Commerce Commission regulations by the elimination of knowledge as an element essential to establish a violation.

Interstate and foreign commerce in radioactive materials and etiologic agents has developed in very recent years. It is unlikely that the general public, especially carriers and their agents, are familiar with the connotations of those terms, and particularly the term "etiologic agent." If the term is intended to cover disease-producing agents or something similar, a substitute term might be more effective in conveying the intended meaning. We note two apparent typographical errors in the draft of S. 1491; page 6, line 12, "persons" presumably should be in the singular—"person;" and page 8, line 19, "investigation" apparently is meant to be in the plural—"investigations."

This proposed revision of the Transportation of Explosives Act does not directly affect the functions of our Office and it does not seem to impose any undue or unwarranted burden on the United States as a shipper. While we have no special information concerning its desirability, it appears to be in the public interest. We have, therefore, no occasion to object to the enactment of S. 1491.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

PANAMA CANAL COMPANY,
Washington, D. C., April 2, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: Reference is made to your request for the comments of this agency on S. 1491, a bill to revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended.

The Transportation of Explosives Act, in its present form (18 U. S. C. 331–335), is considered to be geographically inapplicable to the Canal Zone. Its provisions relate to transportation of explosives in interstate or foreign commerce "within the limits of the jurisdiction of the United States" (present sec. 832) or "within the jurisdiction of the United States" (present sec. 833) which terms, although not wholly unambiguous, appear to have reference to the United States in a territorial rather than a political sense. Thus, the Canal Zone would appear to be excluded from the scope of the existing provisions of the act by virtue of the express exception of the Canal Zone from the geographic definition of "United States" as given in section 5 of title 18 of the United States Code and absence of such provisions from the enumerated list of sections of the Criminal Code made expressly applicable to the Canal Zone by section 14 of title 18.

One of the effects of the proposed revision of the act would be to remove any ambiguity that may exist with respect to the geographic scope of its provisions, by limiting its application to transportation in interstate or foreign commerce of explosives, radiological material or etiologic agents "within the United States," which term is defined to include only the 48 States and the District of Columbia (sec 831 of the bill), thereby excluding all Territories and possessions from the act. Continued exclusion of the Canal Zone from the operation of the act would appear to be desirable and appropriate in view of the existence of comprehensive local regulations controlling the transportation of explosives within the Canal Zone and concerning shipments into and out of the zone. Thus, transportation of explosives by highway vehicles within or across the Canal Zone is subject to regulations of the Governor relating to highways, vehicles, and vehicular traffic, issued under the authority of section 321 of title 2 of the Canal Zone Code, delegated to the Governor under section 6 (a) of Executive Order 9746, July 1, 1946, as renumbered by Executive Order 10595, February 7, 1955. Incoming and outgoing shipments of explosives by sea are subject to Regulations for the Transportations of Hazardous Cargoes in Canal Zone Waters (title 35 of Code of Federal Regulations, secs. 4.106–4.127) issued by the Governor under the authority of section 9 of title 2 of the Canal Zone Code, relating to operation of and navigation in the Panama Canal, as delegated to him by the President under section 4.11 of title 35 of Code of Federal Regulations (rule 9 of Executive Order 4314, September 25, 1935). The handling of and shipment of explosives by the Panama Railroad, owned and operated by the Panama Canal Company, are in accordance with Company standards and procedures patterned after corresponding regulations of the Interstate Commerce Commission. Moreover, rail shipments of explosives made by the Armed Forces, comprising the bulk of that category of freight carried on the Panama Railroad are, of course, also subject to the stringent safeguards imposed by the military agencies with respect to such material.

In view of the foregoing the Panama Canal Company has no objection to the enactment of S. 1491.

The Bureau of the Budget advises that there is no objection to the submission of this report to the committee.

Sincerely,

MERRILL WHITMAN, *Secretary.*

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington D. C., April 30, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for a report on S. 1491, a bill to revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended.

This measure deals with the present Transportation of Explosives Act (18 U. S. C., ch. 39) administered by the Interstate Commerce Commission.

The present law (18 U. S. C. 1716) prohibits the conveyance of "explosives and combustibles" in the mails.

Since the proposed legislation does not appear to involve use of the mails, this Department has no comments to make regarding its enactment.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee.

Sincerely yours,

MAURICE H. STANS,
Deputy Postmaster General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 4, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter dated March 6, 1957, acknowledged March 8, enlosing a copy of S. 1492, 85th Congress, 1st session, entitled, "a bill to provide more adequate and realistic penalties for violations of certain statutes administered by the Interstate Commerce Commission," and requesting any comments we may care to offer on the proposed measure.

The subject matter of the bill does not affect the functions of the General Accounting Office and we have no special information as to the need for, or advisability of, the proposed amendments to existing legislation. Accordingly, we have no recommendation to make with respect to its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

THE SECRETARY OF COMMERCE,
Washington, D. C., May 27, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of March 6, 1957, for the views of this Department with respect to S. 1492, a bill to provide more adequate and realistic penalties for violations of certain statutes administered by the Interstate Commerce Commission.

The bill, which was sponsored by the Interstate Commerce Commission, would amend the Safety Appliance Acts (45 U. S. C. 1–16), the Hours of Service Act (45 U. S. C. 63), the Locomotive Inspection Act (45 U. S. C. 34), and section 222 (a) and (c) of the Interstate Commerce Act so as to increase severity of penalties therein prescribed for violations.

This Department concurs with the views of the Commission as set forth in its statement of justification accompanying the submission of the bill to the Congress. We agree that the penalties as increased by the bill would be more adequate and realistic in view of the present value of a dollar and would tend "to take the profit out of violating these laws."

Comparable penalties applicable to water transportation and freight forwarder transportation provided for respectively in section 317 (a) (b), and (c) and section 412 (a), (b) and (c) of the Interstate Commerce Act are less than those proposed for 222 (a) and (c) applicable to motor transportation. We suggest that these penalties should be similarly increased.

Subject to your consideration of the above suggestion, this Department recommends enactment of S. 1492.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

Chairman Owen Clarke, of the Interstate Commerce Commission, will be the first witness today. We are happy to welcome Chairman Clarke.

Mr. CLARKE. Yes, sir.

Senator SMATHERS. Mighty happy to have you here.

STATEMENT OF HON. OWEN CLARKE, CHAIRMAN, INTERSTATE COMMERCE COMMISSION

Mr. CLARKE. Thank you and good morning, Mr. Chairman.

My name is Owen Clarke. I am the present Chairman of the Interstate Commerce Commission and have served in that capacity since January 1, 1957.

I am appearing today on behalf of the Commission as proponent of 5 measures which would implement 5 of the 26 legislative recommendations contained in our 70th annual report to Congress.

With your permission, Mr. Chairman, I shall discuss these bills in the following order: S. 1490, S. 1491, S. 1492, S. 1386, and S. 1463.

S. 1490—I. C. C. LEGISLATIVE RECOMMENDATION NO. 8

Enactment of S. 1490 would enable the Commission to administer its motor carrier hours of service and safety regulations more effectively.

The Commission's enforcement work in this field has, until recently, been confined, because of inadequate personnel, almost entirely to common and contract carriers operating under certificates and permits issued by the Commission. An important part of our statutory responsibility in this connection, however, relates to private carriers of property, carriers operating under the exemptions in section 203 (b) of the act, local carriers in commercial zones, and carriers operating in foreign commerce between points in a foreign country through the United States. These carriers are not subject to economic regulation by the Commission.

According to our most recent field estimates there are about 92,000 private carriers, operating about 844,000 vehicles, and about 48,000 for-hire carriers, operating about 226,000 vehicles, which fall into this category. The Commission, however, has no way of knowing with certainty who these carriers are or where they are located. It is, therefore, greatly handicapped in attempting to obtain compliance with its safety regulations.

Since these regulations were first prescribed in 1939, copies have been served on all known carriers subject thereto. Under present circumstances copies are served on private carriers, and on carriers

operating under the section 203 (b) exemptions, as they become known to us either through observation on the highways by staff members or by happenstance. To date copies of the regulations have been served on only 31,514 private carriers and on 11,719 carriers operating under the exemptions in section 203 (b).

This means that about 96,000 such carriers have not been served with the regulations, nor received notice, other than through general notice to the public that they are subject to the regulations.

Recent road checks have confirmed our belief that there are many such carriers who do not even know that they are required to comply with the Commission's safety regulations. In the road check last October it was found that 65.8 percent of the private carriers and 69.3 percent of the so-called exempt carriers had 4 or more driver-equipment defects. This compared with 38.4 percent for authorized carriers.

In the absence of a more effective means of reaching these carriers, we could never hope to acquaint all of them with the regulations. Even if they could all be reached under the methods now employed, we would have no way of knowing how many of them discontinued their interstate operations during any given year.

It has been the Commission's policy to obtain, insofar as possible, voluntary compliance with its motor carrier safety regulations. This has been done through dissemination of educational material, inspection of carrier operations and equipment, and other methods of keeping the carriers currently informed of applicable regulations.

Senator SMATHERS. Just a second. Off the record, please.

(Discussion off the record.)

Senator SMATHERS. Go right ahead, please, Mr. Clarke.

Mr. CLARKE. Since the private and exempt carriers operate about three times as many vehicles as the carriers which hold operating authority from the Commission, the importance of their being advised of, and complying with, these regulations is readily apparent. We cannot effectively carry out our safety program and advise these carriers of their obligations unless we know who they are and where they are based.

S. 1490 would enable us to do this by inserting in part II of the Interstate Commerce Act a new subsection 226a requiring motor carriers which are subject only to the Commission's hours of service and safety regulations to file with the Commission once each year a brief statement showing their name, their location or principal address, and the number of vehicles owned or operated. This would not require the filing of complicated or elaborate reports. It might even be accomplished through the simple expediency of a postcard.

At this point I would like to offer as an exhibit a penny postcard which contains all the information.

Senator SMATHER., We will make that a part of the record if there is no objection.

(The postcard referred to is as follows:)

Name _____

Address _____

_____

Number of trucks owned or operated in interstate commerce _____

Mr. CLARKE. At this point I would also like to suggest two technical amendments which we believe, upon further consideration of the

proposal, to be desirable for purposes of clarification. The amendments are attached as appendix A.

These changes are deemed necessary because sections 202 (c) and 203, as they now read, provide that the provisions of part II shall not apply to the operations specified therein, except section 204 relative to qualifications and maximum hours of service of employees and safety of operation and equipment. The proposed changes would merely make it clear that such operations would be subject, also, to the provisions of proposed new section 226 (a).

We believe that this suggested legislation is essential to the proper and effective administration of our motor carrier safety regulations and to the discharge of our responsibilities to the public with respect to this important phase of our work. We are convinced that S. 1490 would go a long way toward accomplishing this objective and therefore urge its speedy enactment.

Senator SMATHERS. May I interrupt you there just a moment?

Mr. CLARKE. Surely.

Senator SMATHERS. As I understand this, apparently there is a great number of people who operate trucks up and down the highways who are not aware of your minimum safety requirements?

Mr. CLARKE. That is absolutely right.

Senator SMATHERS. And those people possibly do not violate the requirements knowingly, they do it in many instances unknowingly?

Mr. CLARKE. We think that that is usually the case, Mr. Chairman.

Senator SMATHERS. It is your suggestion and the Commission's suggestion that the way to let those people know about these minimum safety requirements is once a year to have them write to you people what they do, what their business is, and how many trucks they operate.

Mr. CLARKE. That is right.

Senator SMATHERS. Also where their home office is, and then you people can get to them.

Mr. CLARKE. Then our field force could call on them, acquaint them with the regulations, inspect their equipment if necessary, and educate them with respect to the requirements to which they are subject.

Senator SMATHERS. And it is your belief that this would, of course, cut down the fatalities on the highways and it would improve the general traffic condition, you might say, with respect to trucks over the highway?

Mr. CLARKE. We are convinced that it would do that.

Senator SMATHERS. Senator, do you have any questions that you care to ask?

Senator LAUSCHE. Has this proposed legislation been initiated by your Commission?

Mr. CLARKE. Yes, it has, Senator. It is one of our legislative recommendations.

Senator LAUSCHE. That is, its source is in the minds of the members of your Commission?

Mr. CLARKE. That is right.

Senator LAUSCHE. And you make the recommendation because you believe it will contribute to the maintenance of safety?

Mr. CLARKE. Yes. Congress has imposed upon us a responsibility of regulating private and exempt carriers from the standpoint of safety. We want to do that job, but we have been unable to do it because we don't know who the private and exempt carriers are or where they are located. This is merely a method of informing us where they are so we can go out and see that they comply.

Senator LAUSCHE. Has the thought been actuated by any outside agency?

Mr. CLARKE. No, it has not.

Senator LAUSCHE. All right.

Mr. CLARKE. However, we understand from informal discussions that various segments of the highway industry, you might call it that, believe that this would be a necessary and desirable law because they recognize, too, just as we do, that the present type of operations by many private and exempt carriers does create a serious hazard on the roads.

Senator LAUSCHE. Thank you. That is all.

Senator SMATHERS. All right, sir. Thank you very much.

Now we proceed to your discussion with respect to Senate bill 1491.

Mr. CLARKE. Thank you.

This measure proposed to revise the Federal statute commonly known as the Transportation of Explosives Act passed nearly 50 years ago. The revision would enlarge the scope of the act by specifically including radioactive materials and etiologic agents.

Senator SMATHERS. Off the record.

(Discussion off the record.)

Senator SMATHERS. On the record. Let's proceed.

Mr. CLARKE. It would also make the act applicable to contract and private carriers as well as common carriers. In addition, the word "knowingly" would be deleted from what is now section 835.

There are certain clarifying changes which we are recommending with respect to this bill.

Senator LAUSCHE. Let's find out here, the word "knowingly" would be deleted from what is now section 835. In that connection is the word "knowingly" used in that section?

Mr. CLARKE. I cover that a little later, Senator.

Senator LAUSCHE. Do you?

Mr. CLARKE. Yes.

Senator LAUSCHE. All right.

Mr. CLARKE. Most of these clarifying changes are based upon informal suggestions offered by representatives of the American Trucking Association. Because of their minor nature, these suggested changes have been listed in appendix B rather than take up the committee's time with a detailed discussion.

The Transportation of Explosives Act has served its purpose well in providing the means by which a high standard of protection has been afforded in an area that is fraught with unusual dangers to the public. The transportation of dangerous articles has grown steadily, and with the tremendous increase in the production of radioactive materials and etiologic agents, we believe it essential to reexamine the present provisions of the law in the light of technological advances with a view toward insuring that the high standard of safety heretofore maintained will be continued.

The importance of safety in this field becomes even more apparent when traffic conditions alone are considered. In the year 1900, or about the time this act was first passed, motor vehicle registrations within the States amounted to only 8,000—today there are over 65 million such registrations. The Institute of Makers of Explosives estimated that in 1955 about 569 million pounds of commercial explosives, or about 72.9 percent of the total of over 780 million pounds consumed (excluding liquid oxygen explosives), moved by motor vehicle in long-distance hauls from manufacturing plants.

At the present time, we have no regulations governing the transportation of etiologic agents. Technically, etiologic agents, such as live viruses, bacteria, and the like, which can cause disease, are not poisons, since poisons are not composed of living organisms. S. 1491 would place the transportation of etiologic agents squarely within the jurisdiction of the Commission. In addition, the present provisions of the act make no specific mention of radioactive materials, although the Commission has prescribed regulations covering materials of this nature by classifying them as "poisons".

It is questionable whether we have had the authority to do that.

S. 1491 would remove any doubt as to the Commission's jurisdiction respecting the transportation of these radioactive commodities.

This bill would also make the act directly applicable to contract and private motor carriers in addition to its present application to common carriers. Thus, it would eliminate somewhat of an anomaly in which motor common carriers are subject to maximum penalties of $10,000 or 10 years imprisonment, or both, for violations of the Explosives Act, while private and contract carriers are subject to a maximum penalty of only $100, under section 222 (a) of the Interstate Commerce Act, for the very same violations.

The proposed amendment would make those provisions relating to packing, marking, and so forth, of explosives and other dangerous articles applicable to shippers tendering goods to interstate carriers irrespective of whether the shipments are destined for movement in interstate, intrastate, or foreign commerce. In the interest of protecting interstate passengers, employees of interstate carriers, and interstate carrier facilities, the provisions just mentioned would be made applicable to all shipments of dangerous articles, including intrastate shipments handled on interstate vehicles or commingled with interstate traffic.

Senator SMATHERS. In other words, the way you overcome the so-called constitutional limitation on the I. C. C. having jurisdiction in intrastate matters would be to say that these intrastate shipments are actually shipped on interstate vehicles?

Mr. CLARKE. That is right, or commingled with interstate goods.

Senator SMATHERS. Or commingled with interstate goods?

Mr. CLARKE. Yes.

Senator SMATHERS. Or in close proximity to interstate traffic?

Mr. CLARKE. That is right.

Senator SMATHERS. All right.

Mr. CLARKE. The enactment of S. 1491 would extend the provisions of the act to include all for-hire carriers of passengers by land, and the present exemption of specific quantities of various articles would be changed so as to authorize the Commission to pre-

scribe the kind, amount, and conditions under which such articles may be so transported.

Senator SMATHERS. Would that include taxicabs and carriers of that nature? All for-hire carriers of passengers by land?

Mr. CLARKE. We didn't have taxicabs in mind. I don't believe dangerous explosives ordinarily move by taxicabs, but they do move by railroad passenger cars and perhaps in some instances by bus.

Senator SMATHERS. Would a man, say, going to hold up a bank and he had in his possession a couple of guns and maybe some dynamite to blast the vault, if he were caught in a taxicab with it—of course, if he were caught he would be arrested anyway—but that does not put any responsibility on the taxicab driver, does it?

Mr. CLARKE. No.

Senator SMATHERS. All right.

Mr. CLARKE. As will be illustrated later in answer to Senator Lausche's previous question.

Senator SMATHERS. All right.

Mr. CLARKE. As the act now reads, the transportation of liquid nitroglycerin or other like explosives by common carriers is absolutely prohibited. However, no such prohibition exists against the transportation of such commodities by contract or private motor carriers. There is no intention by the proposed revision to restrict the transportation of these commodities, or of radioactive materials, or etiologic agents, to any particular class of carrier or persons. The intention is, however, to strictly limit and regulate all transportation of these extremely dangerous items by providing that they shall not be transported except under such rules and regulations as the Commission shall prescribe. In this connection, authority would be conferred upon the Commission to determine what explosives constitute "other similarly dangerous explosives" or articles.

Existing provisions relating to the marking of packages containing explosives and other dangerous articles would, under the proposed revision, include the tendering of such articles to any carrier by land or water, and to any person carrying such articles upon any interstate carrier by land, including private as well as common and contract carriers.

Now we come to section 835. The present section 835 (sec. 834 in S. 1491) would be revised to include, specifically, radioactive materials and etiologic agents. This section would also be expanded so the Commission may avail itself of the services, advice, and assistance of not only the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, as is now provided in the act, but would also include the services, advice, and assistance of carrier and shipper associations.

S. 1491 would, in addition, eliminate the word "knowingly" from present section 835 (sec. 834 in the bill). The use of this word has made it virtually impossible to prosecute successfully violations of the Commission's transportation of explosives regulations, which violations fall within the category of "public welfare offenses". These are not offenses that arise out of any affirmative intent, but result more from neglect where the law requires care, or inaction where it imposes a duty to act.

In this type of violation, whatever the intent of the violator, the potential danger to society remains the same whether the violation

is brought about by haphazard, careless conduct or whether it is prompted by an evil purpose. We believe that a person standing in responsible relation to a public danger should be charged with the knowledge that certain rules and regulations exist for the furtherance of safety, and that a plea of ignorance of the law should not permit him to escape responsibility.

To further explain this point, we feel that to remove the word "knowingly" from all sections of the act would place too great a burden upon the carriers. Any type of explosive could be delivered to him under false marking or billing, and without the word "knowingly" in the statute, he would be at the mercy of any irresponsible shipper.

However, where the knowledge goes to the existence of rules and regulations rather than to the commodity carried, the test should be different. A carrier should know of the existence of such rules and regulations, otherwise he should not be engaging in an activity which places both persons and property in jeopardy.

We believe that knowledge of the existence of rules and regulations governing the transportation of such commodities, and an understanding of them, are vital to the protection of employees, carriers, and the public in general.

The court suggested in *St. Johnsbury Trucking Co.* v. *United States* (220 F. 2d 393), that—

> If it be thought that the indicated requirement of proof will seriously hamper effective enforcement of the Interstate Commerce Commission regulations, the answer is that Congress is at liberty to fix that up by striking out from 18 U. S. C. 835 the prescribed element of mens rea—"knowingly"—as applied to violation of regulations of the sort here involved. This is to say, Congress could convert the offense into what sometimes has been called a public welfare offense, requiring no element of guilty knowledge or other specific mens rea, * * *.

Also, under this measure, a definition of "person" would be added which includes partnerships. In a 4–4 decision handed down earlier this month in *United States* v. *American Freightways Co.*, the Supreme Court upheld a ruling of a United States district court to the effect that a partnership cannot be held criminally liable for violation of the Commission's rules in connection with the interstate transportation of caustic potash. Unless this change is made, common carriers organized as partnerships will be permitted to escape punishment for violating our regulations, even though a corporation or an individual would be liable under identical circumstances.

Senator LAUSCHE. Was the holding immune from the operation of this statute based upon the fact that the partnerships were not identified in the statute?

Mr. CLARKE. Yes. Plus the fact that throughout the statute as it now reads, there is reference to whoever shall do thus and so. And the court decided that that was speaking in the singular. Our proposed amendment, among other things, would define "persons," including "partnerships."

Senator SMATHERS. What is your information about how the shippers feel about it? Of course, we will have them testify. But I just wondered up to this point have they given any indication that they would oppose this type of legislation?

Mr. CLARKE. Not to my knowledge, Mr. Chairman. There may be some opposition, but it hasn't been brought to our attention.

Senator SMATHERS. All right, sir.

Mr. CLARKE. In fact, I believe that some associations that deal or manufacture these dangerous commodities, who are, after all, the principal shippers, favor the legislation.

Senator SMATHERS. All right, sir.

Do you have any other questions on that one, Senator Lausche, on 1491? We can bring him back.

Senator LAUSCHE. There will be other witnesses, I understand.

Senator SMATHERS. All right. Thank you very much, Mr. Chairman. Now we will go to your statement with respect to Senate bill 1492.

Mr. CLARKE. S. 1492 would amend the penalty provisions of the Safety Appliance Acts, the Hours of Service law, the Locomotive Inspection Act, and section 222 (a) and (c) of the Interstate Commerce Act.

The Safety Appliance Acts were enacted to promote the safety of employees and the traveling public. Although there has been a marked improvement in the safety record of the railroad industry, safety is a continuing matter, requiring constant vigilance.

Continued vigorous enforcement of the Safety Appliance Acts has materially contributed to this improvement. However, there is a growing trend toward balancing costs of material and labor against the cost of penalties for violations.

Senator SMATHERS. This particular 1492 applies only to the railroads?

Mr. CLARKE. No. Section 222 (a) and (c) apply to motor carriers.

Senator SMATHERS. To motor carriers?

Mr. CLARKE. Yes. So the bill actually applies to both.

Senator SMATHERS. Both?

Mr. CLARKE. Yes.

Senator SMATHERS. All common carriers?

Mr. CLARKE. Yes.

Senator SMATHERS. All right. The same thing is true, of course, in 1491.

Mr. CLARKE. Yes, 1491, the Explosive Act applies to both rail and motor.

Senator SMATHERS. All right, sir.

Mr. CLARKE. At some locations it is considered more economical to run the risk of being penalized than to comply with statutory requirements. This is an alarming condition that is far from conducive to safe railroad operation.

Our records show a continuing deterioration in safety appliance maintenance. For the fiscal year ended June 30, 1956, for example, 60.80 cars and locomotives were found defective out of every 1,000 inspected. This compares with 43.80 cars and locomotives found to be defective per 1,000 inspected in 1952.

The present penalty of $100 is now considered so insignificant that the United States attorney for the Eastern District of Washington—that happens to be my home District,—in justifying dismissal of two clear violations of the Safety Appliance Acts, stated in his letter to the Department of Justice dated January 18, 1957—

If we constantly fool around with petty matters involving $100 we are never going to get anything done concerning the breaking up of the backlog or disposing of the important cases that must be tried.

Senator LAUSCHE. I am surprised that he didn't say *de minimis non curat lex.*

[Laughter.]

Mr. CLARKE. This attitude is a barrier to successful enforcement of laws so vital to the public safety. The Safety Appliance Acts are far too important to be dismissed as petty and unimportant matters. We believe that the penalty should be increased to $500 in order to bring it more in line with present-day values and thereby stimulate improved maintenance practices.

Senator LAUSCHE. On that score: The theory under which you make this recommendation is that the fine of $100 preferably is endured to the sufferance of the expense of installing the safety equipment?

Mr. CLARKE. Yes.

Senator LAUSCHE. Will the $500 at all change the attitude?

Mr. CARKE. We think it will.

Senator LAUSCHE. You think $500—that they will prefer to install the equipment than suffer the penalty of $500?

Mr. CLARKE. It isn't a question of installing, it is more a question of keeping the equipment maintained.

Senator LAUSCHE. Whatever it is.

Mr. CLARKE. Yes. We think that it would be more of an incentive than the present figure because of inflation—$100 doesn't have much deterrent value.

Senator LAUSCHE. Well, you know through your experience what the comparative cost of maintaining is.

Mr. CLARKE. Yes.

Senator LAUSCHE. With the fine that might have to be paid.

Mr. CLARKE. That is right.

Senator LAUSCHE. And you think the $500 is adequate to induce maintenance of equipment?

Mr. CLARKE. In our judgment it is. We are not wedded to the figure of $500, but we think that it ought to be as forceful as $100 was when the act was first passed.

Senator SMATHERS. Why don't we put an escalating clause in there?

Mr. CLARKE. If the cost of living rises.

Senator SMATHERS. I am like the Senator. We can raise the fine if the $100 figure is not effective. When was the $100 put in the law? How many years ago? Speaking proportionately, looking at the value of the dollar, it has depreciated more than—well, what may be about five times since the act was first written.

Mr. CLARKE. Of course——

Senator SMATHERS. Why don't you make it a thousand?

Mr. CLARKE. Mr. Chairman——

Senator LAUSCHE. All I want to do is to make certain that we are fixing a penalty that will cure the evil which you described.

Mr. CLARKE. Yes.

Senator LAUSCHE. We know that in many instances persons prefer to pay the fine because they believe they are economically better off by paying the fine than incurring the expense incident to compliance with law. Now, if $500 will do it, well and good. If not, let's make certain that the penalty is adequate to insure the achievement of what you have in mind.

Mr. CLARKE. Well, in our judgment $500 would be adequate.

Senator LAUSCHE. All right.

Mr. CLARKE. However, as I stated here we are not wedded to this figure—it is merely a judgment factor. If you want to raise it, that is perfectly all right with us.

Senator LAUSCHE. No. no. All I want to do is to make certain that the amount which you have suggested is adequate to accomplish your purpose.

Mr. CLARKE. Yes.

Senator SMATHERS. Had you given any consideration to having possibly the first fine at $500 and the second fine at $1,000?

Mr. CLARKE. Not for this particular purpose. On some of the others——

Senator SMATHERS. The Commission is satisfied that the $500 will do the job?

Mr. CLARKE. Yes.

Senator SMATHERS. Which they want to have done.

Mr. CLARKE. Yes.

Senator SMATHERS. All right.

Mr. CLARKE. The original hours of service law provided a maximum penalty of not more than $500 for each violation. Because of the small penalties being assesed by some courts—by the way, I might say that in the Safety Appliance Act, the one to which I first referred, it has been a fixed penalty of $100, whereas here on the Hours of Service Act it has been discretionary, but not more than $500. That is the main distinction between the two.

Because of the small penaltites being assessed by some courts under the hours of service law, the Congress on May 4, 1916, amended the law to provide the present minimum penalty of $100 and maximum penalty of $500 for each violation.

Experience has shown, however, that the courts, in practically every instance, have assessed the minimum penalty of $100, thus, in effect, establishing a standard penalty of that amount.

The purpose of the hours of service law is to promote the safety of employees and travelers upon railroads by limiting the number of duty hours of employees actually engaged in or connected with the movement of trains.

Congress recognized long ago that such employees must be alert to the ever-present dangers of railroad operation. This law was designed to prevent employees from becoming so fatigued as to create an unsafe condition for themselves and travelers.

Senator SMATHERS. Off the record.

(Discussion off the record.)

Senator SMATHERS. On the record.

You might proceed, Mr. Chairman.

Mr. CLARKE. Thank you.

We recommend that a fixed penalty of $500 be provided in this instance in order to restore its deterrent effect.

Under the Locomotive Inspection Act, a fixed penalty of $100, established in 1911, is provided. The primary purpose of this act, like that of the Hours of Service Act, is to protect the life and limb of railroad employees and the traveling public.

In recent years, particularly since the advent of the diesel-electric locomotive, large strategically located shops have replaced the small divisional or district shops and repair shops. In some instances these

shops are located 800 miles or more apart. This has resulted in the running of defective locomotives considerable distances over several districts or divisions to points where repairs can conveniently be made. Inadequate penalty provisions in the law have encouraged this practice.

We are of the view that by increasing the penalty for violations to $500, there will be greater reluctance to violate the law for operating convenience. We therefore recommend that the penalty be so increased.

S. 1492 would also change the present penalties in section 222 (a) of the Interstate Commerce Act which apply, among other things, to violations of the Commission's motor carrier safety regulations, from maximum penalties of $100 for the first offense, and $500 for subsequent offenses, to a minimum of $100 and a maximum of $500 for the first offense, and a minimum of $500 and a maximum of $2,500 for any subsequent offense.

In addition, it would change the penalties in section 222 (c) of the act, which are assessable against motor carriers for giving rebates and concessions, and engaging in other unlawful competitive practices, from present maximums of $500 for the first offense and $2,000 for subsequent offenses to a minimum of $500 and a maximum of $2,000 for a first offense, and a minimum of $1,000 and a maximum of $5,000 for subsequent offenses.

Senator SMATHERS. This is just a recognition of the general inflationary trend?

Mr. CLARKE. That is right.

Senator LAUSCHE. May I add to that?

Senator SMATHERS. Yes, Senator.

Senator LAUSCHE. With regard to these several classifications of carriers you are not changing the substantive law except for the penalty?

Mr. CLARKE. That is all that this bill would do.

Senator LAUSCHE. All right.

Mr. CLARKE. The maximum penalties now provided in sections 222 (a) and (c) are not, by any means, indicative of the actual penalties being imposed by the courts. During the first 9 months of 1956 the average penalty per count amounted to only $38.52 under section 222 (a)—the section applicable to our safety regulations—and to only $81.80 per count under section 222 (c). Some courts have imposed purely nominal fines totaling as little as $25.

In other cases involving violations having an immediate and unusually severe impact on the general public, the courts, although desiring to do so, have been unable to impose a penalty of more than $100 per count. In 1 case in which 7 persons were killed as a result of 5 vehicle defects in violation of our safety regulations, the court could assess a maximum penalty of only $500. In that case the judge stated:

> The section is so obviously indequate to meet a situation of this character, it almost seems an idle act to assess a fine so disappropriate to the gravity of the situation.

Then the judge directed the United States attorney to search other statutes to see if a greater penalty could be imposed. The search was to no avail.

Because of the tendency of some courts to impose extremely small fines for violations of these sections of the act, we do not believe that merely increasing the maximum penalties would be sufficient. We therefore recommend that minimum penalties also be provided.

Our purpose in recommending the proposed changes in the penalty provisions of these statutes is not to place an undue burden on the carriers, but is simply to make such penalties more realistic in the light of present-day conditions, and thereby restore their value as deterrents to violations.

Enactment of S. 1492 would, in our opinion, go a long way toward taking the profit out of violating the law, and contribute materially to increased safety in railroad and motor carrier operations.

S. 1386—ICC LEGISLATIVE RECOMMENDATION NO. 24

Senator SMATHERS. Are there any questions there?

Senator PURTELL. I have none, Mr. Chairman.

Senator SMATHERS. All right, Mr. Chairman, you proceed to your discussion of S. 1386.

Mr. CLARKE. All right.

S. 1386 would amend the Safety Appliance Act to give the Commission authority to establish rules, standards, and instructions, for the installation, inspection, maintenance and repair of power or train brakes.

Under the act of March 2, 1903, the Commission is charged with the responsibility of enforcing the power or train-brake provisions of the Safety Appliance Act. We do not, however, have the authority to prescribe rules, standards, and instructions, for the installation, inspection, maintenance, and repair of such equipment.

Because of the nature of power or train brakes, rigid maintenance standards must be maintained in order to insure that they are operative. Their design is such that their efficiency is dependent upon correctness of adjustment. Thus a train brake may be operative, but in such poor adjustment that its braking effect is practically nonexistent. Proper inspection, maintenance, and testing, therefore, are absolute requisites for safe operation of any power-brake system which has yet been developed. This has long been recognized by all who are familiar with the construction and operation of such system.

Senator PURTELL. May I ask a question? Who prescribes the rules?

Mr. CLARKE. As my statement will show in a moment, Senator, there are recommended standards prescribed by the Association of American Railroads, but neither the Association of American Railroads nor the Commission can enforce those standards. Our authority at the present time is limited to merely requiring the installation of the brakes. But once they are in, we have no authority to require that they be properly maintained.

Senator PURTELL. You do have standards, do you not, for the type of brake?

Mr. CLARKE. Yes, to be installed, as to the type of brake that shall be installed.

Senator PURTELL. Does the Commission set those standards?

Mr. CLARKE. Yes.

Senator PURTELL. You mentioned here "We do not have the authority, however, to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of such equipment."

I wondered if the standards applied to the installation.

Mr. CLARKE. I had better doublecheck on that. I believe our instructions do prescribe standards for the original installation.

Senator SMATHERS. Whom are you going to call? Would you identify yourself for the record, please?

Mr. LONGHURST. Howard R. Longhurst, Assistant Director of the Bureau of Safety and Service, Chief of the Section of Railroad Safety, Interstate Commerce Commission.

Senator SMATHERS. All right, sir.

Mr. LONGHURST. We prescribe specifications for the type of brake equipment to be applied. We do not, however, prescribe the manner in which they will be installed, nor the manner in which they will be maintained or tested and inspected.

Senator PURTELL. Is the standard a type of standard which says these results shall be obtained, or is it the type of standard that says this is the way the result will be obtained?

Mr. LONGHURST. Senator, the specifications require certain achievements for a brake system, and when a brake system meets those specifications, it is adopted.

Senator PURTELL. Thank you.

Senator SMATHERS. Then, right on that point now: However, once having had it installed, as I gathered from the testimony of the chairman, once it has been installed then you no longer have any jurisdiction or right to inspect what its achievement accomplishments are?

Mr. LONGHURST. That is correct, with the one exception: If it is entirely inoperative, then, of course, it is a violation of the safety appliance laws.

Senator SMATHERS. What are you seeking by this proposal is the authority to check these brakes from time to time to see whether or not they are functioning up to a certain standard?

Mr. CLARK. More particularly, we are asking through this proposed legislation that we be given authority to prescribe standards for maintenance.

Senator SMATHERS. For maintenance?

Mr. CLARKE. And standards of inspection—that is, inspections to be made by the railroads themselves.

Senator SMATHERS. I see. In other words, you want them to periodically make inspections, being convinced that if railroads make the inspections they will see that the brakes are in good operative order?

Mr. CLARKE. Yes.

Senator LAUSCHE. Can you describe briefly what type of rule or regulation you might adopt in order to carry into effect this provision?

Mr. LONGHURST. Yes. In fact, the rules formulated jointly by the Association of American Railroads and the Bureaus of Safety and Service of the Interstate Commerce Commission—formal bureaus—are quite adequate. We participated in formulating these rules, but we have no means of enforcing those rules or being assured that the rules will be complied with.

Senator LAUSCHE. In substance, what are they? Do they require examination at specific time intervals?

Mr. LONGHURST. Normally brake tests when the train is ready to depart. An application of the brakes, an examination of the brake on each car in the train, to assure that that brake is operative and is properly adjusted.

Senator LAUSCHE. Do I understand it correctly that you now by voluntary agreement have a general understanding of what should be done?

Mr. LONGHURST. Yes.

Mr. CLARKE. Yes.

Senator LAUSCHE. But you are wanting it translated into law so that you will have some compulsory power to put it into effect?

Mr. LONGHURST. That is correct.

Mr. CLARKE. That is a correct summary.

Senator PURTELL. It would still be done, of course, by the railroads under the new formulated plans; is that right?

Mr. CLARKE. Yes; except we want compulsory compliance instead of leaving it as a voluntary action of the carrier.

Senator PURTELL. Thank you.

Senator SMATHERS. Then the reason, I gather, that you need this compulsory requirement is that under present practice some of the railroads actually do not check their brakes?

Mr. CLARKE. Yes.

Senator SMATHERS. Just before each trip starts out?

Mr. CLARKE. Some of the railroads haven't even adopted the recommended standards prescribed by the association. Others who have adopted them don't comply with them.

Senator SMATHERS. As you pointed out earlier—I guess when they are trying to get a car, we will say, over to some major repair point, even to fix those brakes, they will put it in between other cars?

Mr. CLARKE. In a so-called revenue train. We think the defective equipment, when it is moving to the shop, ought to be in a nonrevenue train. It shouldn't be in a defective condition while it is serving the public.

Senator SMATHERS. All right, sir, thank you.

Mr. CLARKE. In 1925, the Commission cooperated with the mechanical division of the Association of American Railroads in the formulation of a code of rules for the maintenance and testing of airbrake equipment. The code has since been revised at various times, the latest revision having been published in November 1953.

I would like to offer later on as an exhibit a copy of the code.

This code represents minimum requirements, but neither the Commission nor the association has any authority to require its adoption, or to enforce compliance. Each railroad is free to adopt, amend, expand upon, or ignore the rules in whole or in part. The association simply recommends the code to each of its member railroads as minimum requirements. There is no statute requiring observance.

Some of the carriers have adopted standards equal to or more exacting than those required by the code. Others, however, have elected to adopt rules which do not meet even the minimum standards. Our records show that even among those which have adopted the code, there is widespread nonobservance, particularly with respect to train brake inspections. Many of the railroads condone inspection practices at various points which do not meet the minimum requirements.

Senator PURTELL. Is the reason for this apparent noncompliance the fact that a considerable cost would be entailed in meeting these self-imposed standards?

Mr. CLARKE. That is undoubtedly one factor, Senator. But the more important factor, in our opinion, is just the mental attitude.

Senator PURTELL. I see.

Mr. CLARKE. Of the responsible parties.

Senator PURTELL. Thank you.

Mr. CLARKE. Modern railroading with its greatly increased traffic, heavier trains, and higher speeds has imposed a burden on the power or train brakes which was scarcely envisioned a few years ago.

The distance within which a moving train can be stopped is affected by many conditions and factors, such as whether it is a passenger train or freight train; length of the train; its weight; condition of the cars, whether empty or loaded; percentage of breaking power; adjustment of piston travel; type of brake equipment; pressure carried; condition of wheels and rails; grade and alinement of track; and whether a service or emergency stop is desired.

Numerous railroads now have speed limits up to 60 miles per hour for freight trains, and trains of 150 cars or more are commonplace. These great masses which move over the rails may weigh as much as 10,000 to 15,000 tons or more. Thus, it is readily apparent that in order to assure maximum safety, the brakes of such trains should be operating at maximum efficiency at all times.

Senator PURTELL. May I ask a question? I am trying to get an education if I can in a short while on this. But are you pointing out now that in fact many of these cars or these cars in these trains or drags, are equipped with brakes that would probably, even under proper supervision or proper checking, would have met the safety standards of some years ago, but these cars are now so equipped and do not meet the safety standards of today?

Mr. CLARKE. The only point I attempt to make here is that the need for properly operating brakes today is greater than it used to be.

Senator PURTELL. But is it your opinion, then, going further, that the brakes that these cars or these trains are equipped with, if they are inspected regularly, according to a fixed standard that you might wish to establish, they would then be adequate to meet today's needs, with heavier loads and faster speeds?

Mr. CLARKE. Absolutely, yes. The basic braking equipment, itself, is entirely adequate.

Senator PURTELL. Thank you.

Senator SMATHERS. You say here that numerous railroads now have speed limits up to 60 miles per hour for freight trains?

Mr. CLARKE. Yes.

Senator SMATHERS. Is that the maximum limit for freight trains today?

Mr. CLARKE. I understand it is.

Senator SMATHERS. It seems like to me I see a lot of them going a lot faster. I don't know that that wouldn't be perfectly safe. Go ahead.

Mr. CLARKE. The true measure of a brake's effectiveness is not only whether its parts move in response to manipulation of the engineer's brake valve, but also that it fully performs the functions for which it

was intended. Excessive piston travel, for example, materially lowers the efficiency of the train brake system.

It is estimated that the railroads of this country operate 17,000 freight trains daily. During the fiscal year ended June 30, 1956, the Commission's inspectors made train-brake inspections on 2,484 trains, consisting of 117,399 cars, before departing from terminals. A total of 8,007 cars were found to have inoperative or inefficient airbrakes. Of this number, 3,221 were detached from the train and the airbrakes subsequently repaired, 4,634 had their airbrakes repaired while still in the train, and 152 with inoperative airbrakes were allowed by the carriers to depart in the trains.

These trains had been prepared for departure by the carriers' employees, yet when afterward tested by the Commission's inspectors it was necessary to set out or repair the brakes on an average of 3.16 cars per train, and 6.7 cars per hundred were found with defective train brakes.

Most, if not all, of these cars should have been given proper attention while the trains were being prepared for departure. If our inspectors had not conducted tests, many of the cars would, undoubtedly, have been allowed to depart with brakes in defective or inoperative condition.

Inspections made during the 3-year period, 1954–56, showed a decided increase in the number of cars with inefficient, inoperative, or defective brakes. Although inspections of this nature consist merely of a sampling or spot checking of practices, the observations made definitely indicate a pattern of performance. These matters were brought to the attention of the railroad managements involved, yet conditions continue to deteriorate and there is little evidence of any improvement.

Senator SMATHERS. May I ask you a question there? That general deterioration, could it result or is it possible to result in the fact that the cars are generally getting older and older?

Mr. CLARKE. I don't believe that that would be a factor, Mr. Chairman. You can have an awfully old car with good power brakes if they have been properly maintained.

Senator SMATHERS. All right.

Mr. CLARKE. It seems apparent, therefore, that the carriers are either unable to enforce their rules, or the minimum requirements for safety are being deliberately ignored.

A few of our airbrake inspection reports, selected at random show that inspection, maintenance, and repair procedures presently employed are not only ineffective, but seriously threaten the safety of railroad employees and the traveling public.

At Knoxville, Tenn., on August 9, 1955, a train consisting of 156 cars, including locomotive, contained 1 car with cutout brake, 24 cars with inoperative brakes (including 19 with 12-inch piston travel), and 18 cars with excessive piston travel from 10 to 11½ inches. Thus 43 out of the 156 cars, or approximately 28 percent of the cars, had defective airbrakes.

At Cleveland, Ohio, on October 4, 1955, another train, consisting of 147 cars, including locomotive, had 10 cars with inoperative brakes and 36 with excessive piston travel from 9½ to 11 inches. This train arrived with 46 of its 147 cars, or approximately 31 percent, with defective airbrakes.

Senator PURTELL. Does this point out then that these trains operating with the defective equipment could not have stopped in what normally we would consider stoppable distances if they were faced with the need for so doing?

Mr. CLARKE. Yes.

Senator PURTELL. That is a hazard in itself?

Mr. CLARKE. That is right. I don't want to say that they absolutely could not stop, but there is a strong possibility that they would not be able to. You can't be assured that they could stop within the necessary distance as we would be if the brakes were all in good condition.

Senator PURTELL. All right, sir.

Senator SMATHERS. If the train had to make an emergency stop there would be grave doubt that it could make an emergency stop under these conditions?

Mr. CLARKE. If it could be done. But if you don't mind, I would like to ask Mr. Longhurst for his opinion on that.

Mr. LONGHURST. I might say the cars with excessive piston travel, that indicates that the efficiencies of the brake on that particular car reduces in proportion to the piston travel. In other words, the piston travel of 8 inches as compared with 11 inches, you would have roughly close to a 50 percent reduction in the braking effort in the service brake application.

So in view of the fact that a heavy freight train with a hundred or more cars traveling at approximately 60 miles an hour will require just about or close to 60,000 feet to stop, with the service application, you can appreciate that any relaxation or impairment of the brakes on a number of cars will certainly lengthen that stopping distance.

Senator SMATHERS. All right, sir. Thank you.

Mr. CLARKE. During fiscal year 1956, the Commission investigated 30 complaints involving airbrakes, as compared with 38 during 1955. Many of these complaints involved failure to comply with the minimum standards of safety as prescribed by the Association of American Railroads. Such matters were brought to the attention of management, but the Commission could take no positive corrective action.

Further evidence of failure of railroads to comply with these minimum requirements for safe operation can be found in observation reports rendered by our inspectors. According to reports for a recent 2-year period on 8 railroads, selected at random, 141 trains were observed departing from terminals without airbrake tests having been made.

The carriers involved had no assurance, therefore, that the train brakes in any of these trains were operative as required by the power-brake provisions of the law.

Senator SMATHERS. You say when they depart from the terminal. You don't mean they have to test it at every single station at which they stop, do you?

Mr. CLARKE. No; that is the beginning of the run.

Senator SMATHERS. What do you mean by terminal?

Mr. CLARKE. At the beginning of the run.

Senator SMATHERS. At the beginning of the run, when you speak of testing them at a stop, you mean at that point?

Mr. CLARKE. I don't have reference to intermediate stops.

Senator SMATHERS. I see.

Senator PURTELL. Does that refer to what we commonly call a car knockers job, when they stop. Is that his job normally to inspect those brakes or whose job normally is it? Is that a specialized job for somebody or is it part of a car knocker's job?

Mr. LONGHURST. In practically all cases it is the car knocker's or car inspector's job.

Senator PURTELL. Thank you.

Mr. CLARKE. When these matters are called to the attention of the carriers involved, some take corrective action, while unfortunately others do not. We have in our files letters from carriers stating that they will only make such air tests as they see fit.

In exercising its powers, the Commission has prescribed the so-called AB brake for freight cars, and has vigorously enforced the power-brake provisions of the Safety Appliance Acts. In addition, whenever we find inspection and maintenance practices substandard, we attempt to secure voluntary corrective action by the railroads. Such attempts have not always succeeded.

Since the industry's self-imposed rules have not produced the desired results, we believe that the problem can properly be met only by giving the Commission the statutory authority to prescribe and enforce adequate power and train brake rules.

Millions of dollars have been spent by the railroads to modernize their operations by the use of the most advanced signal equipment, and the Commission has authority to require rules, standards, and instructions for the installation, inspection, maintenance, and repair of all such signal equipment.

No signal system, however, can actually check the momentum of a train. That can be done only by the train brakes. The most modern signal system is, therefore, of little avail unless the train brakes are in such condition that the movement of the train can be controlled. We urge that the Safety Appliance Acts be amended as proposed in S. 1386 to provide the degree of safety contemplated therein for carrier employees and the traveling public.

I have brought some material with me which I believe would be of interest to the subcommittee in connection with this bill. With your permission, I offer the exhibits listed from the bottom of page 36 through page 37 of my statement.

Senator SMATHERS. Without objection, they will be made a part of the record.

(The exhibits referred to follow:)

I. Association of American Railroads pamphlet entitled "Maintenance of Air Brake and Air Signal Equipment."

II. Report of the Section of Railroad Safety, Bureau of Safety and Service, to the Interstate Commerce Commission, for the fiscal year ended June 30, 1956. (Not printed.)

III. Nine accident reports:

(*a*) Ex parte No. 184.
(*b*) Ex parte No. 200.
(*c*) Report No. 3600.
(*d*) Report No. 3720.
(*e*) Report No. 3625.
(*f*) Report No. 3537.
(*g*) Report No. 3568.
(*h*) Report No. 3524.
(*i*) Report No. 3639.

IV. Letter from D. W. Brosnan, vice president, Southern Railway System, to Mr. C. W. Taylor, Acting Director, Bureau of Safety and Service, ICC, dated May 27, 1955.

V. Ten copies of airbrake inspection reports made at:

(a) Knoxville,, Tenn., August 9, 1955.
(b) Cleveland, Ohio, October 4, 1955.
(c) Garrett, Ind., July 27, 1956, and October 27, 1956.
(d) Crestline, Ohio, February 23, 1956, and November 15, 1956.
(e) Bulls Gap, Tenn., October 19, 1955.
(f) Logansport, Ind., March 30, 1956.
(g) South Chicago, Ill., August 3, 1955.
(h) Elkhart, Ind., March 27, 1956.

VI. Two copies of airbrake observation reports made at:

(a) Danville, Ky., March 5, 1956.
(b) Valdosta, Ga., May 3, 1955.

VII. Chart showing percent of cars inspected having defective safety appliances.
VIII. Graph showing stopping distance for freight trains.
IX. One copy of cylinder pressure and piston travel tables.

Senator SMATHERS. Are you going to explain those to us?

Mr. CLARKE. I hadn't intended to.

Senator SMATHERS. That is all right.

Mr. CLARKE. I think they are quite descriptive.

Senator SMATHERS. Yes. In other words, they are descriptive in that they point up the arguments which you have been making.

Mr. CLARKE. Yes. The first one of these exhibits is the code of maintenance inspection adopted, or recommended, I should say, by the AAR. We think it is a good code.

Senator PURTELL. Mr. Chairman, under the act, as you point out on page 26, of March 2, 1903, the Commission is charged with the responsibility and so forth. Had there been any interim period between 1903 and 1956 in which you did have the authority to set standards, or has this been the same without change since 1903?

Mr. CLARKE. It has been the same.

Senator PURTELL. Thank you.

Mr. CLARKE. However, there has been some question about our authority in this field, but the question was resolved a few months ago and the conclusion is that we don't have the authority.

Senator PURTELL. I see. Thank you.

Senator LAUSCHE. Resolved by whom?

Mr. CLARKE. By the Commission, itself, in a report and order that we isued in the matter.

Senator SMATHERS. All right, sir. Any other questions on 1386? If not, we will proceed to 1463, Senate bill 1463.

Mr. CLARKE. S. 1463 would provide the necessary statutory authority to award Medals of Honor for acts of heroism performed in connection with any wreck or threatened wreck, disaster, or grave accident involving a motor vehicle subject to the Commission's motor carrier safety regulations.

The Medals of Honor Act now provides for the award of Presidential bronze Medals of Honor to persons who, by extreme daring, endanger their own lives in saving, or in endeavoring to save, lives from any wreck, disaster or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident upon any railroad within the United States engaged in interstate commerce. This statute has never been made applicable to persons performing such acts on the Nation's highways in which vehicles of interstate

motor carriers are involved, although this important branch of the transportation industry has been subject to the Commission's jurisdiction since 1935.

It is estimated that there are some 1,500,000 motor vehicles used in the transportation of passengers and property in interstate or foreign commerce which are subject to the Commission's motor carrier safety regulations. Many acts of heroism deserving of official recognition have been performed by persons in preventing or endeavoring to prevent serious accidents on the Nation's highways or in saving or attempting to save lives as a result of accidents in which such vehicles were involved.

We believe that such recognition may have been warranted, for example, in two instances, one in New York and one in Pennsylvania, where the driver of one truck, at great risk to own personal safety, succeeded in freeing the driver from the cab of another truck which, as a result of an accident, has become enveloped in flames. In still another case, the driver of a truck which was racing down a hill out of control due to brake failure deliberately made a sharp turn, which overturned his truck, in order to avoid crashing into an occupied house or hitting a loaded bus which had stopped to take on passengers.

In order that such heroic acts may be officially recognized, we urge that S. 1463 be enacted.

Mr. Chairman and members of the subcommittee, I wish to thank you for this opportunity to appear and testify in support of this legislation which the Commission has recommended and for these early hearings. After all the tesetimony is in, there may be some further questions you may wish to ask us. I shall be glad to return to furnish such additional information as you may desire.

Senator SMATHERS. All right, sir. Are there any questions with respect to that proposal?

The Senator from Ohio?

The Senator from Connecticut?

Thank you very much, Mr. Chairman. I presume that there will be some information which we will want from you later on.

Mr. CLARKE. We will be available.

(Appendixes A and B to Chairman Clarke's statement are as follows:)

APPENDIX A

SEC. 2. Subsection (c) of section 202 (c) of the said Act, as amended (49 U. S. C., sec. 302 (c)), is amended by striking the words "section 204" and inserting in lieu thereof the words "section 204 and 226a."

SEC. 3. Section 203 of the Act, as amended (49 U. S. C., sec. 303), is amended by striking the words "section 204" wherever they appear therein and inserting in lieu thereof the words "section 204 and 226a."

APPENDIX B

The following changes are suggested respecting S. 1491:

Page 1

Change title of the bill to read: "To revise chapter 39, title 18, of the United States Code, entitled 'Explosives and Combustibles.'"

Line 5: Change quoted title of chapter to read: "Chapter 39—Explosives and Other Dangerous Articles."

Line 5: Change quoted section 832 to read: "832. Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles."

Page 3

Line 3: Delete the words "naval or".
Line 4: Delete "high-".
Line 6: Delete "high-".
Lines 8 and 9: Delete entire definition of "primers".
Lines 14–17: Change to read: "§ 832. Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles."

Page 4

Line 7: Insert between the words "the" and "Commission" the words "Interstate Commerce".
Line 23: Delete the words "or naval".

Page 5

Line 10: Insert between the words "explosives" and "shall" the words, "radioactive materials, or etiologic agents".
Line 19: Delete the words "for-hire".
Line 21: Delete the words ", for hire or otherwise,".

Page 6

Line 4: Delete the words "for-hire".

Page 7

Line 2: Delete the words "for-hire".

Page 8

Line 19: Delete the word "investigation" and insert in lieu thereof the words "conduct such investigations,".

Page 9

Line 11: Delete the words "and its authorized representatives".
Line 12: Delete the words "and them".
Line 15: Insert at end of line the following: "explosives and other".
Line 19: Insert between words "of" and "dangerous" the words "explosives and other".

EXHIBIT I

MAINTENANCE OF AIRBRAKE AND AIR-SIGNAL EQUIPMENT ON LOCOMOTIVES AND CARS

Association of American Railroads. Adopted as Standard 1925
Revised 1933, 1934, 1941, 1953

Published by the Association, 59 East Van Buren Street, Chicago, November 1953

These rules were formulated jointly by the Bureaus of Safety and Locomotive Inspection of the Interstate Commerce Commission and the committees on safety appliances and brakes and brake equipment of the Association of American Railroads. They represent minimum standards of maintenance of airbrake and air-signal equipment on locomotives and cars. Nothing herein contained should be construed as prohibiting carriers from enforcing additional rules and instructions not inconsistent with these rules.

GENERAL NOTICE

The following rules shall govern the maintenance of airbrake and air-signal equipment on locomotives and cars, providing that nothing herein contained shall be construed as prohibiting carriers from enforcing additional rules and instructions not inconsistent with these rules.

GENERAL RULES—LOCOMOTIVES

1. (*a*) Airbrake and air-signal equipment on steam locomotives, including tenders, must be inspected and maintained in accordance with the orders of the Interstate Commerce Commission dated October 11, 1915, June 30, 1916, November 13, 1916, December 26, 1916, December 17, 1917, and April 7, 1919, extracts from which are prescribed in the following rules 2 to 11, inclusive (ICC locomotive inspection rules 106 to 115, inclusive).

(*b*) Airbrake and air-signal equipment on locomotives other than steam must be inspected and maintained in accordance with the orders of the Interstate Com-

merce Commission dated December 14, 1925, March 2, 1936, and May 4, 1940, extracts from which are prescribed in the following rules 2 to 11, inclusive (ICC locomotive inspection rules 204 to 211, inclusive, and 237), and the orders of the Commission dated January 29, 1951 (*ex parte No. 174*).

2. It must be known before each trip or day's work that brakes on locomotives are in a safe and suitable condition for service; that air compressor or compressors are in condition to provide an ample supply of air for the service to which assigned; that devices for regulating air pressures are functioning properly; that all devices are properly positioned for operation of brakes from the operating cab to be used; that brake valves function properly in all positions; and that water has been drained from the airbrake system.

3. (*a*) Compressor or compressors must be tested for capacity by orifice test as often as conditions require and not less frequently than once each 3-month period.

(b) The diameter of orifice, speed of compressors, and minimum main reservoir air pressures to be maintained during test of compressors in common use are shown in the following tables:

Steam-operated air compressors

Type compressor	Size compressor	Single strokes per minute	Diameter of orifice, inches	Air pressure, pounds
Westinghouse	9½	120	11/64	60
Do	11	100	3/16	60
Do	8½cc–150	100	9/32	60
Do	8½cc–120	100	15/64	60
New York	2a	120	5/32	60
Do	6a	100	13/64	60
Do	5b	100	15/64	60

(*c*) Test specifications indicated above must be used for altitudes to and including 1,000 feet. For altitudes over 1,000 feet the speed of compressor may be increased 5 single strokes per minute for each 1,000 feet increase in altitude.

Mechanically operated air compressors

Type of compressor	Compressor (c) or motor (m) speed r. p. m.	Diameter of test orifice, inches	Minimum main reservoir air pressure, pounds
Gardner-Denver:			
ABE	600 (c)	13/64	58
ADX	600 (c)	13/64	57
WXE	600 (c)	¼	74
WXO	600 (c)	9/32	74
WXG	600 (c)	15/64	74
AD8	900 (c)	⅛	96
ABO	600 (c)	13/64	72
ABX	600 (c)	13/64	57
ADR–9001	500 (c)	No. 29 drill	59
ACM–1000	500 (c)	3/32	60
General Electric:			
CP–4	200 (c)	9/32	64
CP–35	1,000 (m)	15/64	107
CP–127	1,450 (m)	No. 41 drill	65
CP–130	1,470 (m)	No. 24 drill	65
CP–32–A	360 (c)	13/64	115
CP–32–D	360 (c)	13/64	115
CP–36	235 (c)	No. 28 drill	104
CP–39–A	313 (c)	15/64	118
7CPA39A1	258 (c)	15/64	95
Westinghouse:			
3–CD and 3–CDB	400 (c)	17/64	77
3–CDC	400 (c)	17/64	53
2–CDA	400 (c)	No. 12 drill	77
D–2–F	200 (c)	No. 36 drill	86
DH–20	273 (c)	No. 41 drill	86
DH–25	200 (c)	No. 36 drill	86
XQ–27	100 (c)	No. 34 drill	86

(*d*) Consult ICC Laws, Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam, and builder's specifications for orifice tests of air compressors not listed above.

(*e*) Test specifications indicated above must be used for altitudes to and including 1,000 feet. For altitudes over 1,000 feet amount of air pressure shown may be reduced 4 percent for each 1,000 feet increase in altitude.

4. (*a*) Every main reservoir before being put into service, and at least once each 12 months thereafter, shall be subjected to hydrostatic pressure not less than 25 percent above the maximum allowed air pressure.

(*b*) The entire surface of the reservoir shall be hammer tested each time the locomotive is shopped for general repairs, but not less frequently than once each 18 months.

5. (*a*) Air gages must be located so that they may be conveniently read by the engineer from his usual position in the cab. Air gages must be tested at least once each 3-month period and when any irregularity is reported.

(*b*) Air gages must be tested by comparing with an accurate test gage or dead weight tester and gages found incorrect must be repaired before they are returned to service.

6. Distributing valve, control valve, triple valve, brake application valve, equalizing piston portion, feed and reducing valves, straight air doublecheck valves, transfer valve, safety valves, brake pipe vent valves, relay valves, magnet valves, electro-pneumatic master controller, dirt collectors and filters must be cleaned, repaired and tested as often as conditions require to properly maintain them in a safe and suitable condition for service, and not less frequently than once each 6-month period.

7. The date of testing or cleaning:

Steam locomotives

(*a*) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under glass in the cab of the locomotive, or stamped on metal tags. When metal tags are used, the height of letters and figures shall be not less than three-eighth inch, and the tags located as follows:

(*b*) One securely attached to brake pipe near automatic brake valve, which will show the date on which the distributing valve, control valve or triple valves, reducing valves, straight-air doublecheck valves, dirt collectors, and brake cylinders were cleaned, and cylinders lubricated.

(*c*) One securely attached to air compressor steampipe, which will show the date on which the compressor was tested by orifice test.

(*d*) One securely attached to the return pipe near main reservoir, which will show the date on which the hydrostatic test was applied to the main reservoirs.

Locomotives other than steam

(*a*) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under glass in the cab of each locomotive unit.

8. (*a*) Minimum brake cylinder piston travel must be sufficient to provide proper brakeshoe clearance when brakes are released.

(*b*) Maximum brake cylinder piston travel when locomotive is standing must not exceed the following:

	Inches
Steam locomotives:	
Cam type of driving wheel brakes	3½
Other types of driving wheel brakes	6
Engine truck brake	8
Engine trailer truck brake	8
Tender brake (truck mounted and tender bed mounted)	8
Tender brake (body mounted)	9
Locomotives other than steam:	
Driving wheel brake	6
Swivel type truck brake with brakes on more than 1 truck operated by 1 brake cylinder	7
Swivel type truck brake equipped with 1 brake cylinder	8
Swivel type truck brake equipped with 2 or more brake cylinders	6

9. (*a*) Foundation brake rigging and safety supports must be maintained in a safe and suitable condition for service. Levers, rods, brake beams, hangers, and pins must be of ample strength and must not bind or foul in any way which will

affect proper operation of brakes. All pins must be properly applied and secured in place with cotters, split keys, or nuts. Brake shoes must be properly applied and kept approximately in line with treads of wheels.

(*b*) No part of the foundation brake rigging and safety supports shall be less than 2½ inches above rails.

10. (*a*) After reducing main reservoir air pressure 40 percent below maximum pressure, main reservoir and related piping leakage must not exceed 9 pounds during test of 3 minutes' duration.

(*b*) After a reduction of 10 pounds has been made from standard brake-pipe air pressure, brake pipe leakage must not exceed 5 pounds per minute.

(*c*) Brake cylinder leakage: With a full service application of brakes from standard brake-pipe air pressure and with communication to the brake cylinders closed, brakes must remain applied not less than 5 minutes.

(*d*) Nonrange type compressor governor must stop compressors on steam locomotives when maximum main reservoir air pressure has been obtained and must permit compressors to start when a reduction in main reservoir air pressure of not to exceed 5 pounds is made.

(*e*) Range-type compressor governors on locomotives must operate to control main reservoir air pressure within 5 pounds above or below prescribed air pressures.

(*f*) The main reservoir system of each power unit of locomotives other than steam must be equipped with at least 1 safety valve with sufficient capacity and adjustment to prevent air pressure in excess of 10 pounds above the maximum prescribed working air pressure.

11. The air signal system must be tested and known to be in a safe and suitable condition for service before each trip.

12. Enginemen when taking charge of locomotives must know that the brakes are in operative condition.

13. In freezing weather drain cocks on air compressors of steam locomotives must be left open while compressors are shut off.

14. Air pressure regulating devices must be adjusted for the following pressures:

	Pounds
Locomotives:	
(a) Minimum brake pipe air pressure	70
(b) Minimum differential between brake pipe and main reservoir air pressures, with brake valve in running position	15
(c) Safety valve for straight air brake	40 to 55
(d) Safety valve for LT, ET, No. 8–EL, No. 14–EL, No. 6–DS, No. 6–BL, and No. 6–SL equipment	40 to 68
(e) Safety valve for HSC and No. 24–RL equipment	40 to 75
(f) Reducing valve for independent or straight air brake	30 to 50
(g) Self-lapping portion for electro-pneumatic brake (minimum full application pressure)	65
(h) Self-lapping portion for independent air brake (full application pressure)	30 to 50
(i) Reducing valve for air signal	40 to 60
(j) Reducing valve for high-speed brake (minimum)	50
Cars:	
(k) Reducing valve for high-speed brake	58 to 62
(l) Safety valve for PS, LN, UC, AML, AMU, and AB–1–B air brakes	58 to 62
(m) Safety valve for HSC air brake	58 to 77
(n) Governor valve for water raising system	60
(o) Reducing valve for water raising system	20 to 30

TRAIN AIR BRAKE AND AIR SIGNAL SYSTEM TESTS

20. Foremen and inspectors are jointly responsible with enginemen and trainmen for condition of airbrake and air signal equipment on motive power and cars to the extent that it is possible to detect defective equipment by required air tests.

21. Air signal system on passenger equipment trains must be tested and known to be in a suitable condition for service before leaving initial terminal and at each point where cutout cock has been closed or signal hose parted.

22. (*a*) Each train must have the airbrakes in effective operating condition, and at no time shall the number and location of operative airbrakes be less than permitted by Federal requirements.

(*b*) Tests of the train airbrake system must be made as prescribed by rules 23 to 32 inclusive on each railroad at initial terminals, and as prescribed by rules 40 to 45 inclusive at other points where necessary, to insure that the condition of the brakes is in accordance with the requirements of rule 22 (*a*).

23. Condensation must be blown from the pipe from which air is taken before connecting yard line or motive power to train.

24. Train airbrake system must be charged to required air pressure, angle cocks and cutout cocks must be properly positioned, air hose must be properly coupled and must be in suitable condition for service and retaining valves and retaining valve pipes must be inspected and known to be in suitable condition for service and if train is to be operated in electropneumatic brake operation, brake circuit cables must be properly connected. A careful examination must be made for leaks and necessary repairs made to reduce leakage to a minimum.

INITIAL TERMINAL TRAIN AIRBRAKE TESTS

An initial terminal is the terminal at which a train of unchanged consist is made up, or a point at which a railroad receives a train in interchange.

The term "standard pressure" as used in rules 25 to 45, both inclusive, is the brake-system feed valve pressure at which it is intended that the train under test shall be operated during the trip for which it is being tested.

25. (a) After airbrake system on a freight train is charged to within 10 pounds of standard air pressure for that train as indicated by an accurate gage at rear end of train, and on a passenger train when charged to not less than 70 pounds and upon receipt of proper request or signal to apply brakes for test, a 15-pound brake pipe service reduction must be made in automatic brake operation, then note the number of pounds of brake pipe leakage per minute as indicated by brake pipe gage. Inspection of train brakes must be made to determine if brakes are applied on each car, that piston travel is correct, that brake rigging does not bind or foul, and that all parts of brake equipment are properly secured. When this inspection has been completed, release signal must be given and brakes released and each brake inspected to see that all have properly released.

(b) When a passenger train is to be operated in electropneumatic brake operation and after completion of test of brakes as prescribed by rule 25 (a), brake system must be recharged to not less than 90 pounds air pressure and upon receipt of proper request or signal to apply brakes for test, a minimum 20-pound electropneumatic brake application must be made as indicated by brake cylinder gage. Inspection of train brakes must then be made to determine if brakes are applied on each car. When this inspection has been completed, release signal must be given and brakes released and each brake inspected to see that all have properly released.

(c) When the locomotive used to haul the train is provided with means for maintaining brake pipe pressure at a constant level during service application of the train brakes, tests of the train brakes shall be made with the maintaining feature in operation.

26. Brake pipe leakage must not exceed 5 pounds per minute.

27. (a) Piston travel of body mounted brake cylinders which is less than 7 inches or more than 9 inches must be adjusted to nominally 8 inches.

(b) Minimum brake cylinder piston travel of truck mounted brake cylinders must be sufficient to provide proper brakeshoe clearance when brakes are released. Maximum piston travel must not exceed 6 inches.

(c) Piston travel of brake cylinders on freight cars equipped with load compensating brake must be adjusted to nominally 5 inches. Piston travel of brake cylinders on freight cars equipped with other than standard single capacity brake or load compensating brake, must be adjusted as indicated on badge plate on car located in a conspicuous place near brake cylinder.

28. When test of air brakes is completed the inspector or trainman who made the test will personally inform the engineman and conductor, and advise them the number of cars in train and number having inoperative brakes.

29. Defects discovered during a standing test that cannot be repaired promptly must be reported to the foreman, inspector or conductor for appropriate action in accordance with instructions of the individual carrier.

30. During standing tests, brakes must not be applied or released until proper signal is given.

31. (a) When train airbrake system is tested from a yard test plant, an engineer's brake valve or a suitable test device must be used to provide increase

and reduction of brake pipe air pressure or electropneumatic brake application and release at the same or a slower rate as with engineer's brake valve and yard test plant must be connected at the same point in the train where the locomotive, from which air brakes are to be operated, is to be attached.

(b) When yard test plant is used, the train air brake system must be charged and tested as prescribed by rules 23 to 28 inclusive, and when practicable should be kept charged until road motive power is coupled to train, after which, an automatic brake application and release test of air brakes on rear car must be made. If train is to be operated in electropneumatic brake operation, this test must also be made in electropneumatic brake operation before proceeding.

(c) If brake valve or test device other than as specified in rule 31 (a) is used on yard test plant, or if after testing the brakes as prescribed in rule 31 (b) the train is not kept charged until road motive power is attached, the brakes must be tested as prescribed by rule 25 (a) except that portion pertaining to piston travel and brake rigging, and as prescribed by rule 25 (b) if train is to be operated in electropneumatic brake operation.

32. Before adjusting piston travel or working on brake rigging, cutout cock in brake pipe branch must be closed and air reservoirs must be drained. When cutout cocks are provided in brake cylinder pipes, these cutout cocks only must be closed and air reservoirs need not be drained.

ROAD TRAIN AIRBRAKE TESTS

40. Before motive power is detached or angle cocks are closed on a passenger train operated in either automatic or electropneumatic brake operation, except when closing angle cocks for cutting off one or more cars from the rear end of train, automatic airbrake must be applied. After recoupling, brake system must be recharged to required air pressure and before proceeding and upon receipt of proper request or signal, application and release test of brakes on rear car must be made from locomotive in automatic brake operation. If train is to be operated in electropneumatic brake operation, this test must also be made in electropneumatic brake operation before proceeding. Inspector or trainman must determine if brakes on rear car of train properly apply and release.

41. Before motive power is detached or angle cocks are closed on a freight train, brakes must be applied with not less than a 20-pound brake pipe reduction. After recoupling and angle cocks are opened, it must be known that brake pipe air pressure is being properly restored as indicated by the caboose gage and that brakes on rear car are released. In the absence of a caboose gage, airbrake test must be made as prescribed by that portion of rule 40 pertaining to automatic brake operation.

42. (a) At point or terminal other than initial terminal, where motive power or engine crew or train crew is changed, except as provided in rule 42 (b), tests of the train brake system must be made as follows: After the brake system on a freight train is charged to not less than 10 pounds below the standard pressure for that train as indicated at rear end of train, and on a passenger equipment train when charged to at least 70 pounds, a 15-pound brake pipe service reduction must be made upon receipt of proper request or signal to apply brakes for test, and brake pipe leakage noted as indicated by the brake pipe gage (which must not exceed 5 pounds per minute), after which the reduction must be increased to 20 pounds. Then an examination of the train brakes must be made to determine that brakes are applied in service application on each car. When this examination has been completed, proper release signal must be given, and it must be ascertained that all brakes have released properly.

When these tests have been completed, tests of the electropneumatic train brake system, when used, shall be made as follows: After the brake system is charged to not less than 90 pounds and upon proper request or signal, a minimum 20 pounds electropneumatic brake application, as indicated by brake cylinder gage, must be made and brakes examined to determine that brakes are applied on each car. When this examination has been completed, proper release signal must be given and it must be determined that brakes have released properly.

42. (b) At points, other than initial terminals, where engine crew or train crew or both are changed on a passenger equipment train, and consist including locomotive remains intact except for cutting off one or more cars from rear of train, each railroad shall prescribe such airbrake test as will insure compliance with the requirements of the power brake provisions of the Federal safety appliance law.

43. When one or more cars are added to a train at any point subsequent to a terminal test of train airbrakes and after such cars are placed in position where they are to be handled in train, test of airbrakes on these cars must be made as prescribed by rule 42 (a). Before proceeding, test must also be made as prescribed by rule 40 for passenger trains and rule 41 for freight trains.

44. Before a train is operated down a grade requiring the use of retaining valves, it must be known that they are in such condition that the speed of the train can be safely controlled by the engineman.

45. The automatic airbrake must not be depended upon to hold a locomotive, cars or train, when standing on a grade, whether locomotive is attached or detached from cars or train. When required, a sufficient number of hand brakes must be applied to hold train, before air brakes are released. When ready to start, hand brakes must not be released until it is known that the airbrake system is fully charged.

INBOUND BRAKE EQUIPMENT INSPECTION

46. At points where inspectors are employed to make a general inspection of trains upon arrival at terminals, visual inspection must be made of retaining valves and retaining valve pipes, release valves and rods, brake rigging, safety supports, hand brakes, hose and position of angle cocks and make necessary repairs or mark for repair tracks any cars to which yard repairs cannot be promptly made.

47. Freight trains arriving at terminals where facilities are available and at which special instructions provide for immediate brake inspection and repairs, shall be left with airbrakes fully applied. Inspection of brakes and needed repairs must be made as soon thereafter as practicable.

DOUBLE HEADING AND HELPER SERVICE

50. When more than one locomotive is used to handle train, airbrakes must be operated from the lead locomotive and automatic or combination automatic and electropneumatic brake valve on all other locomotives must be cut out, handle of brake valve kept in running position or release and running position and air compressors kept running if practicable.

RUNNING TEST

51. When motive power, engine crew or train crew has been changed, angle cocks have been closed except for cutting off one or more cars from the rear end of train or electropneumatic brake circuit cables between power units and/or cars have been disconnected, running test of train air brakes on passenger train must be made, as soon as speed of train permits, by use of automatic brake if operating in automatic brake operation or by use of electropneumatic brake if operating in electropneumatic brake operation. Steam or power must not be shut off unless required and running test must be made by applying train air brakes with sufficient force to ascertain whether or not brakes are operating properly. If airbrakes do not properly operate, train must be stopped, cause of failure ascertained and corrected and running test repeated.

FREIGHT AND PASSENGER TRAIN CAR BRAKES

Testing and repairing brakes on cars while on shop or repair tracks

100. When a freight car having complete AB-type brake equipment with AB-type brake cylinder and stenciled cleaning date 35 months old or more and when a freight car having other type brake equipment and stenciled cleaning date 14 months old or more are on shop or repair tracks where facilities are available for making airbrake repairs, brake equipment must be given attention hereinafter specified for cars requiring periodical repairs.

101. (a) When a freight car having stenciled cleaning date less than 35 months old or 14 months old as specified in rule 100 is on shop or repair tracks, brake equipment must be tested by use of single car testing device as prescribed by AAR-approved currently effective Code of Tests Instruction Pamphlet No. 5039–4, Supplement 1. Brake pipe, angle cocks, cutout cocks, and hose must be tested under air pressure of not less than 70 pounds, using soapsuds or equivalent when weather conditions permit, to determine leakage which must be reduced to a minimum. Air hose, if porous, leaking, or otherwise defective, also any cocks

found leaking at top of key, must be replaced. Brake pipe must be securely clamped, angle cocks in proper position with suitable clearance, valves, reservoirs, and cylinders tight on supports and supports securely attached to car. Piston travel must be adjusted to nominally 7 inches on cars having standard single capacity brake. Piston travel of brake cylinders on freight cars equipped with load compensating brake must be adjusted to nominally 5 inches. Piston travel of brake cylinders on freight cars equipped with other than standard, single-capacity brake or load-compensating brake, must be adjusted as indicated on badge plate on car. After piston travel has been adjusted and with brakes released, sufficient brakeshoe clearance must be provided.

(b) When a car equipped for use in passenger train service not due for periodical airbrake repairs, as indicated by stenciled or recorded cleaning dates, is on shop or repair tracks, brake equipment must be tested by use of single car testing device as prescribed by AAR-approved currently effective Code of Tests Instruction Pamphlet No. 5039–4, Supplement 1. Brake pipe, angle cocks, cutout cocks, and hose must be tested under air pressure of not less than 90 pounds, using soapsuds or equivalent when weather conditions permit, to determine leakage which must be reduced to a minimum. Air hose, if porous, leaking, or otherwise defective, also any cocks found leaking at top of key, must be replaced. Air pipes must be securely clamped, angle cocks in proper position with suitable clearance, valves, reservoirs, and cylinders tight on supports and supports securely attached to car. Piston travel of body-mounted brake cylinders when less than 7 or more than 9 inches with full service brake application must be adjusted to nominally 8 inches. Piston travel of truck-mounted brake cylinders must be adjusted, if required, to the standard travel for that type of brake cylinder. After piston travel has been adjusted and with brakes released, sufficient brakeshoe clearance must be provided.

102. (*a*) If triple valve, control valves, or brake cylinders on a freight car do not meet requirements during single-car test as prescribed by rule 101 (*a*), brake equipment must be given attention hereinafter specified for cars requiring periodical repairs.

(*b*) If, on passenger equipment cars, triple valves, control valve, brake cylinders, slack adjusters, high-speed reducing valve, relay valves, quick-service valves, vent valve, brake-application valves, or conductor's valves do not meet requirements during single-car test as prescribed by rule 101 (*b*), and if speed-governor control, magnet valves, or wheel-slide control does not operate properly when tested by a suitable test device, defective part or parts must be repaired or replaced and new cleaning date must be stenciled on such parts or recorded as required.

103. Hand brakes and connections on freight and passenger cars must be inspected, tested, and necessary repairs made to insure they are in a suitable condition for safe and effective operation.

Periodical repairs

110. (*a*) Airbrake equipment on cars must be cleaned, repaired, lubricated, and tested as often as required to maintain it in a safe and suitable condition for service, but not less frequently than as follows:

	Months
Freight cars:	
AB-type brake, including AB-type brake cylinders	36
Other brake equipment	15
Passenger cars:	
D–22-type brake	24
Other brake equipment	15

(*b*) Frequency of periodical repairs to passenger cars must be governed by the oldest stenciled or recorded date indicated for any part or parts of the brake equipment on each car.

111. Pipe clamps must be applied where missing and tightened where loose, and hose and angle cocks must be properly positioned. Piston travel must be adjusted, if required, as prescribed by rule 101 (*a*) or rule 101 (*b*).

112. Hand brakes and connections on freight and passenger cars must be inspected, lubricated, tested, and necessary repairs made to insure they are in a suitable condition for safe and effective opreation.

113. Complete AB-type freight-car brake equipment, also AB-type brake equipment having old-type brake cylinders, must be cleaned, repaired, lubricated as required and tested as prescribed by AAR-approved currently effective Instruction Leaflets Nos. 2391, supplements 1 and 2391, and Instruction Pamphlet

No. 5039–19, using AAR-approved condemning gages specified in currently effective Instruction Leaflet No. 2356–3. This type brake equipment must also be tested by use of single-car testing device as prescribed by AAR-approved currently effective Code of Tests Instruction Pamphlet No. 5039–4, supplement 1.

114. HSC-type passenger-car brake equipment must be cleaned, repaired, lubricated as required, and tested as prescribed by currently effective standard test-rack codes of tests specifications. This type brake equipment must be tested in electropneumatic brake operation with suitable test device after being tested by use of single-car testing device as prescribed by AAR-approved currently effective Code of Tests Instruction Pamphlet No. 5039–4, supplement 1.

120. Brake cylinders, other than AB type, on freight and passenger cars must be cleaned, repaired, lubricated as required and tested as hereinafter prescribed:

(a) Brakes must be made inoperative before performing work on brake cylinders by closing cutout cocks in brake pipe branch pipes and draining all reservoirs, except when cutout cocks are provided in brake cylinder pipes, these cutout cocks only must be closed and reservoirs need not be drained.

(b) Piston rods must first be secured to nonpressure cylinder heads, after which nonpressure heads, piston rods, piston heads, and release springs must be removed and thoroughly cleaned by scraping off all deposits of grease and dirt and by removing rust spots from piston rods and cylinder walls, using emery cloth if necessary. Grease and dirt must also be removed from leakage grooves. Auxiliary tubes must be thoroughly cleaned when triple valves of K brake equipment are removed for periodical attention and before reapplying triple valves and reassembling brake cylinders, and brake cylinder pipes must be disconnected at auxiliary reservoirs if so equipped, to avoid entrance of dirt into these pipes during course of cleaning. All parts must be thoroughly cleaned, using cleaning solution if necessary, and must be dried with cloth before reassembling.

(c) Excessively worn piston packing cups must be renewed. Packing cups slightly worn at one location but otherwise in good condition may be used by rotating cups so that worn side is at top of cylinder. Packing cups must be applied centrally on piston heads. Follower studs in piston heads of other than U-type brake cylinders, must be tight and nuts must be tightened uniformly.

(d) Piston lubricator swabs of U-type brake cylinders must be removed and cleaned using cleaning solution if necessary and after blowing dry with compressed air, swabs must be inserted in cylinders or ring gage and if full contact is not provided felts must be renewed. Swabs must be thoroughly soaked in AAR-approved oil before being applied to pistons. Brass and felt rings on piston rods must be renewed if worn. Felt rings must be thoroughly soaked in AAR-approved oil before being applied. After nonpressure heads are applied to piston rods, space above rings must be filled with AAR-approved brake cylinder lubricant. Hollow rod felt packing seals must be thoroughly cleaned, using cleaning solution if necessary, and must be blown dry with compressed air, and if defective must be replaced. Hollow rod felt packing seals must be thoroughly soaked in AAR-approved oil before being applied to hollow rods and must be applied by use of packing seal assembling sleeve. Strainers in nonpressure heads must be removed and cleaned and if defective, must be replaced.

(e) Inner walls of cylinders and bearing surfaces of piston packing cups must have thin coating of AAR-approved brake cylinder lubricant applied with brush and grease groove of piston lubricator swab must be filled with this lubricant.

(f) Sharp tools must not be used to assist in inserting piston assemblies into cylinders. After piston assemblies have been inserted in cylinders and before nonpressure heads are applied to cylinders, piston rods must be slightly rotated to avoid damage to packing cups and to determine if assemblies are free and do not bind.

(g) After brake cylinders have been reassambled on cars, leakage test must be made strictly in accordance with AAR-approved currently effective Single Car Code of Tests Instruction Pamphlet No. 5039–4 Sup. 1.

130. Triple valves on freight and passenger cars must be removed, disassembled, cleaned, repaired, lubricated as required, and tested as hereinafter prescribed:

(a) All parts, except gaskets, must be thoroughly cleaned with cleaning solution, blown with compressed air and dried with cloth. Gaskets must be cleaned only with dry cloth. Defective gaskets and rubber seals must be replaced only with standard parts. All parts, ports and air passages must be blown with compressed air and ports and air passages must be free of obstructions.

(b) Metal tools must not be used to remove grease and dirt from pistons and bushings and to loosen piston packing rings. Dirt and grease must be removed from feed grooves only by use of a piece of pointed wood.

(c) Parts for which AAR-approved standard condemning gages are provided must be carefully checked and parts which do not conform to specified dimensions of these gages must be replaced with parts known to be within gage limits. Piston bushings found to be out-of-round, tapered, and/or scored must be reconditioned at, and, if necessary, shipped to, shops where facilities are available to perform the work. Slide and graduating valves and seats, if leaking, must be refaced and must be free of leaks. Springs must be of standard requirements and must be renewed when necessary.

(d) Piston packing rings determined to be defective during course of repairs to, and test rack test of, triple valves must be replaced. Piston packing rings must be fitted and applied in accordance with the following—

1. Insert outside edge of packing ring in groove of piston to determine if it provides the required close but free fit.

2. Packing rings of thickness slightly exceeding the width of piston grooves must be reduced uniformly in thickness by rubbing one side only of ring over a true faced lapping plate.

3. Rotate outside edge of packing ring in piston groove to determine if required uniform thickness is provided.

4. Rotate piston and hold outside edge of packing ring in piston groove to determine if required uniform width is provided.

5. Pistons having packing ring grooves of nonuniform and/or excessive width must be replaced.

6. Angle cut packing rings must fit walls of cylinder bushings and ends must closely fit and must not overlap when placed in smallest diameter of cylinder bushings.

7. Lap-joint packing rings must be fitted according to cylinder gages for indicating size of rings to be used.

8. Packing rings must be lapped into cylinder bushings, using only thin lubricating oil or solvent, after which, rings, grooves and bushings must be thoroughly blown with compressed air to remove all oil or solvent.

(e) After main and by-pass pistons have been inserted in bushings and with pistons in innermost position, a sufficient quantity of AAR-approved triple-valve lubricant should be applied to and distributed over entire surfaces of bushings. Pistons must then be moved back and forth to sufficiently lubricate piston packing rings and after returning pistons to innermost position, surplus lubricant in front of bushings should be removed with dry cloth. Emergency pistons and check valves must not be lubricated.

(f) After removing all oil and grease from seats, faces and spring bearing surfaces of slide and graduating valves, a sufficient quantity of AAR-approved triple-valve lubricant should be applied to, and distributed over, the entire surfaces to be lubricated.

(g) When assembling slide and graduating valves on pistons, pins must be of exact required length so that when riveted, wings of slide valves will not be drawn together and interfere with proper operation of slide and graduating valves. Slide-valve springs must have only sufficient tension to properly hold valves on seats and must be adjusted so that the outer ends are one-eighth of an inch higher than bore of bushings when inserting springs.

(h) Use of condemning gages is not required at points where triple valves are only cleaned and no repairs are made.

(i) After triple valves have been reassembled and have passed test-rack test as prescribed by AAR-approved currently effective Code of Test Instruction Pamphlet No. 5039–3, bolting faces must be covered and ports plugged to prevent entrance of dirt. Protection covers and plugs must not be removed until immediately before valves are applied to cars.

150. Universal type control valves on passenger equipment cars must be removed, disassembled, cleaned, repaired, lubricated as required, and tested as hereinafter prescribed:

(a) All parts except gaskets must be thoroughly cleaned with cleaning solution, blown with compressed air and dried with cloth. Gaskets must be cleaned only with dry cloth. Defective gaskets and rubber seals must be replaced only with standard parts. All parts, ports, choke fittings and air passages must be blown with compressed air and ports, choke fittings and air passages must be free of obstructions.

(b) Metal tools must not be used to remove grease and dirt from pistons and bushings and to loose piston packing rings. Dirt and grease must be removed from feed grooves only by use of piece of pointed wood.

(c) Parts for which AAR-approved standard condemning gages are provided must be carefully checked and parts which do not conform to specified dimensions of these gages must be replaced with parts known to be within gage limits. Piston bushings found to be out-of-round, tapered, and/or scored must be reconditioned at, and if necessary shipped to, shops where facilities are available to perform the work. Service stability ports in emergency slide and graduating valves must be cleaned and checked with drills of specified sizes to insure required port openings. Slide and graduating valves and seats, if leaking, must be refaced and must be free of leaks. Openings in protection valve cap nuts must be free of obstructions. Strainers must be cleaned by thoroughly blowing with compressed air and defective strainers must be replaced. Springs must be standard requirements and must be renewed when necessary.

(d) Ball check valves, if pitted, must be replaced. Charging ball checks in emergency graduating valves must be replaced if walls of cavities are worn sufficiently to allow quick action chambers to charge at excessive rate. This condition may be corrected by reaming walls of cavities and applying oversize ball checks.

(e) Piston packing rings determined to be defective during course of repairs to, and test-rack test of, Universal type control valves must be replaced and the application of new rings must be made as prescribed by rule 130 (d).

(f) After equalizing, release, graduated release, and emergency pistons have been inserted in bushings and with pistons in innermost position, a sufficient quantity of AAR-approved triple-valve lubricant should be applied to and distributed over entire surfaces of bushings. Release pistons should then be moved sufficiently to enable applying a sufficient quantity of AAR-approved triple-valve lubricant to and distributed over entire surface of small release piston bushings, after which pistons should be moved back and forth to sufficiently lubricate piston packing rings. After returning pistons to innermost position, surplus lubricant in front of bushings must be removed with dry cloth. Sufficient quantity of AAR-approved triple valve lubricant should then be applied to and distributed over entire surfaces of each charging and high pressure valve bushing. Lubrication must not be applied to ball checks.

(g) Seats, faces, and spring bearing surfaces of slide and graduating valves should be lubricated as prescribed by rule 130 (f).

(h) When assembling slide and graduating valves on piston, pins must be of exact required length so that when riveted, wings of slide valves will not be drawn together and interfere with proper operation of slide and graduating valves. Solid pins riveted to wings of slide valves must not be substituted for tubes locked with wire when assembling slide valves so equipped, on pistons. Slide valve springs must have only sufficient tension to properly hold valves on seats and must be adjusted so that the outer ends are one-eighth inch higher than bore of bushings when inserting springs.

(i) After Universal type control valves have been reassembled and have passed test-rack test as prescribed by AAR-approved currently effective Code of Tests Instruction Pamphlet No. 5039–2, bolting faces must be covered and ports plugged to prevent entrance of dirt. Protection covers and plugs must not be removed until immediately before valves are applied to cars. Service, exhaust, and quick service chokes in pipe brackets on cars must be checked for required size dependent upon size of cylinders and volume of brake pipe, before Universal control valves are applied.

151. D–22 type control valves on passenger equipment cars must be removed, disassembled, cleaned, repaired, lubricated as required and tested as hereinafter prescribed:

(a) All parts except diaphragms and gaskets, must be thoroughly cleaned with cleaning solution, blown with compressed air and dried with cloth. Diaphragms and gaskets must be cleaned only with dry cloth. Defective diaphragms, gaskets, check valves and rubber seals must be replaced only with standard parts. All parts, ports, choke fittings and air passages must be blown with compressed air and ports, choke fittings and air passages must be free of obstructions. Felt inserts of choke fittings must be removed and cleaned and if defective, must be renewed.

(b) Metal tools must not be used to remove grease and dirt from pistons and bushings and to loosen piston packing rings. Dirt and grease must be removed from feed grooves by use of a piece of pointed wood.

(*c*) Slide valve struts must be removed before emergency, quick service limiting and release interlock pistons can be removed for inspection. Piston bushings found to be out-of-round, tapered and/or scored must be reconditioned at, and if necessary shipped to, shops where facilities are available to perform the work. Slide and graduating valves and seats if leaking, must be refaced and must be free of leaks. Ball checks. if pitted, must be replaced. Springs must be of standard requirements and must be renewed when necessary.

(*d*) Piston packing rings determined to be defective during course of repairs to, and test rack test of, D–22 type control valves must be replaced and the application of new rings must be made as prescribed by rule 130 (*d*).

(*e*) Non-self-oiling pistons should be lubricated as follows: A sufficient quantity of AAR approved triple-valve lubricant should be applied to piston grooves of service, emergency, release and application pistons through scarf openings of rings, after which rings must be rotated in piston grooves to properly distribute lubricant. A sufficient quantity of AAR approved triple valve lubricant should then be applied to and distributed over entire surfaces of service and emergency piston guides. A sufficient quantity of AAR approved triple valve lubricant should be applied to and distributed over entire surface of piston bushings, after which pistons must be inserted in bushings and with pistons in innermost position, a sufficient quantity of AAR approved triple valve lubricant should be applied to and distributed over entire surfaces of bushings.

A sufficient quantity of AAR approved triple valve lubricant should be applied to vent valve piston grooves through scarf openings of rings, after which rings must be rotated in piston grooves to properly distribute lubricant. A sufficient quantity of AAR approved triple valve lubricant should then be applied to and distributed over entire surfaces of piston bushings. After pistons have been inserted in bushings and moved back and forth several times, pistons should be moved to innermost position, after which surplus lubricant in front of bushings should be removed with dry cloth.

A sufficient quantity of AAR approved triple valve lubricant should be applied to and distributed over entire surfaces of high pressure valve piston bushings and collars on spring cages before assembling.

Short prongs on duplex release valves which fit in bottom of reservoir release valve bodies must be lubricated with thin coating of graphite grease.

(*f*) Self-oiling pistons must be lubricated as follows: Self-oiling piston wicks must be inspected and if defective, replacements must be made. After piston packing rings and grooves are cleaned and dried, ends of rings must be positioned above wick holes in bottom of ring grooves at tops of self-oiling pistons. Ends of packing rings must then be raised to determine if wicks are properly applied flat on bottom of recessed portion of ring grooves and do not contact rings and breather holes. Cap nuts must be removed from self-oiling piston heads, using cap screw to avoid damaging if of hexagon type, and while holding piston heads in horizontal position it must be determined if free ends of wicks are properly applied in a counterclockwise direction around walls of oil reservoirs and do not obstruct, or come in contact with, breather holes. Oil reservoirs must then be filled to level of bottom of threads in center of self-oiling piston heads with AAR approved triple valve lubricant and after cap nuts have been partially applied, sufficient to engage a few threads, pistons must be held in vertical position and piston stems back of piston heads must be firmly held with spanner wrench and cap nuts thoroughly tightened to insure tight seal between flanged collars of cap nuts and bearings of pistons and avoid leakage of lubricant from reservoirs. Before pistons are inserted in bushings, piston packing rings must be pressed to bottom of piston grooves at point directly opposite scarf openings of rings, after which a sufficient quantity of AAR approved triple valve lubricant must be applied to grooves through scarf openings of rings. Piston packing rings must then be restored to normal position and rotated in grooves to properly distribute lubricant, after which scarf openings of rings must be positioned three-fourths of an inch to the right of a breather holes when facing piston heads. A sufficient quantity of AAR approved triple valve lubricant must then be applied to and distributed over entire surfaces of bushings, after which pistons and slide valves must be inserted in valve bodies and placed in innermost position and a sufficient quantity of lubricant applied to and distributed over entire surfaces of bushings.

(*g*) Seats, faces, and spring bearing surfaces of slide and graduating valves should be lubricated as prescribed by rule 130 (f).

(*h*) When assembling slide and graduating valves on pistons, solid pins riveted to wings of slide valves must not be substituted for tubes locked with

wire. Slide valve springs must have only sufficient tension to properly hold valves on seats and must be adjusted so that the outer ends are one-eighth of an inch higher than bore of bushings when inserting springs.

(*i*) After D–22 type control valves have been reassembled and have passed test rack test as prescribed by AAR approved currently effective Code of Tests Instruction Pamphlet No. 5039–21, bolting faces must be covered and ports plugged to prevent entrance of dirt. Protection cover and plugs must not be removed until immediately before valves are applied to cars. Air supply filters in pipe brackets on cars must be replaced with reconditioned filters before D–22 type control valves are applied. Choke fittings in pipe brackets on cars must be inspected and must be free of obstructions.

Miscellaneous inspection and repairs

152. Brake pipe, branch pipe, and pipe bracket must be thoroughly blown out and strainer in branch pipe, triple valve, or control valve must be cleaned. Dirt collector must be thoroughly cleaned by removing bowl or plug and threaded portion of plug or flange bolts must be coated with oil and graphite or graphite grease before reapplying. Dirt collector must be applied in vertical position with bowl at bottom.

153. Should any of the triple valve or control valve bushings require renewing, such work must be done by the airbrake manufacturers.

154. Standard gaskets as approved by the AAR must be used. Gaskets of irregular thickness or having improper registry of ports must be rejected.

159. Slack adjusters other than air-operated type must be adjusted to provide piston travel standard to the car.

160. Automatic slack adjusters on cars must be cleaned, repaired, lubricated, adjusted and tested as often as conditions require and not less frequently than when triple valves or control valves are cleaned and repaired.

(*a*) Air operated slack adjuster screws must first be moved full travel toward brake cylinder end of adjuster bodies by turning ratchet nuts and after removing crosshead pin caps and pins, engines and screws must be removed. Screws must then be thoroughly cleaned with wire brush and engines must be disassembled, thoroughly cleaned and inspected to determine repairs and new parts required. All parts except piston packing cups and gaskets, must be thoroughly cleaned with cleaning solution, blown with compressed air, and dried with cloth. Packing cups must be removed before cleaning pistons with solution and must be renewed when necessary. Packing cups and gaskets must be cleaned only with dry cloth. Defective packing cups and gaskets must be replaced only with standard parts. All parts must be blown with compressed air and air passages must be free of obstructions. Springs must be of standard requirements and must be renewed when necessary.

(*b*) Piston lubricator swabs must be removed and cleaned with cleaning solution and blown dry with compressed air, after which, swabs must be inserted in cylinders and if full contact with cylinder walls is not provided, felts must be renewed. Swabs must be thoroughly soaked in AAR-approved oil before being applied to pistons. Ratchets, pawls and appurtenances and packing cups must be lubricated with AAR-approved brake cylinder lubricant.

(*c*) Slack adjuster screws must not be lubricated, except small quantity of dry graphite must be applied in hollow of ratchet nuts.

(*d*) After slack adjuster engines have been reassembled and screws and engines are applied and with screws in full travel position toward brake cylinder ends of adjuster bodies, prescribed piston travel must be provided by use of manual slack adjusters and/or by moving pin to proper hole in brake adjusting rod. Piston travel must then be adjusted to one-half inch in excess of prescribed travel and position of ratchet nuts must be indicated by marking nuts and housings. Service application of brakes must then be made and after checking pipes leading from brake cylinders to slack adjusters for leakage and brakes have been released, movement of ratchet nuts from marked position indicates slack adjusters are in proper operating condition. After test is completed, piston travel must be adjusted to prescribed travel.

(*e*) Automatic slack adjusters must be properly adjusted each time piston travel is adjusted to insure sufficient take-up required to maintain piston travel en route.

161. (*a*) After periodical attention is given airbrake equipment on freight cars, old stenciled cleaning dates must be obliterated and new dates stenciled in accordance with requirements of rule 60 of the AAR code of rules for the interchange of traffic.

(*b*) Dates and place air brake equipment on passenger cars is cleaned and repaired, as required by these rules, must be stenciled or recorded in a suitable location for visual inspection in accordance with instructions of individual carriers and old stenciled dates must be obliterated.

162. Retaining valves must be thoroughly cleaned with cleaning solution by removing valve caps, wasp excluder and valves. Vent ports and drilled passages must be inspected for obstructions caused by pipe scale, dirt or wasp activities and to determine visible defects if any. Small amount of graphite grease must be applied to threads of retaining valve caps when assembling. Strainer in 4-position type retaining valve bracket must be thoroughly cleaned by blowing with compressed air and if defective, must be replaced. Retaining valves must be adequately secured to cars in vertical position and handles must move freely.

163. (*a*) Retaining valves and retaining valve pipes on cars must be tested as prescribed by AAR-approved currently effective Code of Tests Instruction Pamphlet No. 5039–4 Sup. 1.

(*b*) Single-pressure type retaining valve with bypass choke on passenger cars must be tested with 50 pounds initial cylinder pressure by placing handle in horizontal position, after which, brake cylinder air pressure must release in approximately 1 minute after triple or control valve has moved to release position.

164. Air signal equipment on passenger equipment cars must be tested and repaired if necessary, as prescribed by AAR approved currently effective test code instruction leaflet No. 2377–2.

165. (*a*) When cars equipped for use in passenger service receive periodic airbrake repairs, brake pipe hose other than armored type must be removed and new hose applied.

(*b*) Brake pipe hose removed may be reused on freight cars if such hose satisfactorily pass inspection as prescribed by rule 56 of the AAR code of rules for the interchange of traffic.

(*c*) If hose is not condemned by test prescribed in rule 165 (b) and is to be reused on freight car, visual inspection must be made of inner lining by placing the opening in coupling against a frosted 150-watt electric light bulb and sighting through nipple end. If lining does not appear to be damaged, a steel ball of three-fourths of an inch diameter must be passed through hose assembly, including gasket, to determine if hose is obstructed, after which, hose must be subjected to pressure test of 140 pounds while either submerged in water or entirely coated with soap suds.

166. Armored brake pipe hose on passenger equipment cars must be inspected and tested at time airbrake equipment is given periodical attention. Visual inspection must be made of lining by positioning a frosted 150-watt electric light bulb at one end of hose so that sufficient light is provided inside and, while slowly revolving hose, careful inspection must be made for shadows which indicate excessive trapped oil and loose lining. Hose must also be inspected for defects in armor and fittings and all hose having defects in inner lining, armor or fittings must be replaced with new hose. Armored brake pipe hose which satisfactorily pass visual inspection must be subjected to pressure test of 140 pounds.

NOTE: The following instruction pamphlets and leaflets are required in complying with above maintenance rules:

I. P. No. 5039–4 Sup. 1, Single Car Testing Device—Code of Tests.

I. P. No. 5039–3, The No. 3–T Triple Valve Test Rack—Code of Tests.

I. P. No. 5039–2, the No. 3–USB Test Rack—Code of Tests U–12 Type Universal Valves.

I. P. No. 5039–21, Code of Tests—D–22 Type Control Valves.

I. L. No. 2377–2, Test Code for Air Signal Equipment on Passenger Equipment Cars.

I. L. No. 2391, Shop Maintenance—Freight Brake Equipments "AB" Type Valves.

I. L. No. 2391 Sup. 1, Repair Track Maintenance—Freight Brake Equipments "AB" Type.

I.P. No. 5039–19, Code of Test—"AB" Freight Equipment Valves.

I. L. No. 2356–3, Instructions on the Use of Condemning Gages for the "AB" Valve.

EXHIBIT III (a)

INTERSTATE COMMERCE COMMISSION

Ex Parte No. 184

ACCIDENT AT UNION STATION, WASHINGTON, D. C.

Submitted January 29, 1953—Decided February 17, 1953

Accident at Union Station, Washington, D. C., on January 15, 1953, caused by a train moving out of control as a result of the brakes on the rear 13 cars being inoperative from the locomotive because of a closed angle cock at the rear of the third car

Edward R. Brumley for the New York, New Haven, and Hartford Railroad Co.

George E. Hamilton, Jr., and John L. Hamilton for the Washington Terminal Co.

A. Schroeder for the Pennsylvania Railroad Co.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS PATTERSON, JOHNSON, AND KNUDSON

PATTERSON, *Commissioner:*

This is an investigation by the Commission on its own motion with respect to the facts, conditions, and circumstances connected with an accident which occurred on the line of the Washington Terminal Co. at Union Station, Washington, D. C., on January 15, 1953. Hearing was had at Washington, D. C., on January 26, 27, 28, and 29, 1953. The accident was a derailment of a passenger train and resulted in the injury of 62 passengers, 9 licensees in and about the station, 4 Pullman Co. employees, 1 train-service employee, and 11 station employees.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred on that part of the railroad extending between division post, 0.96 mile north of Union Station, and Union Station, Washington, D. C. Passenger trains of the Pennsylvania Railroad operating into and out of Union Station operate over its Maryland division between Baltimore, Md., and division post, and over the terminal company between division post and Union Station. Both lines are provided with a catenary system for the electric propulsion of trains. North of division post, the Maryland division of the Pennsylvania is a double-track line over which trains are operated by automatic block-signal and cab-signal indications supplemented by an automatic speed-control system. Between C interlocking, located immediately south of division post, and the north limits of K interlocking, 0.47 mile south of division post, the line of the terminal company is a 10-track line over which trains are operated by signal indications. These tracks are designated from west to east as tracks Nos. 34 to 43, inclusive. Within interlocking limits at K interlocking these tracks converge with 31 station tracks which are designated from west to east as tracks Nos. 1 to 31, inclusive. The accident occurred at the south end of track No. 16. Tracks Nos. 1 to 20, inclusive, enter the station at street level and the stub end tracks. The other tracks enter the station at a lower level. A southbound train moving on track No. 41 enters track No. 16, which is in line with track No. 40, through a facing-point crossover located 2,140 feet north of the south, or stub end of track No. 16. Each end of this crossover is provided with No. 8 double-slip switches and movable-point frogs. From the north, via the southward main track of the Pennsylvania, track No. 41, and track No. 16, there are, in succession, a tangent more than 1 mile in length, a 3° curve to the left 1,720 feet, a tangent 1,640 feet to the crossover between tracks Nos. 41 and 16, and a tangent 2,140 feet from the crossover to the stub end of track No. 16. From the north the grade is, successively, 0.48 percent ascending 4,000 feet, 0.73 percent descending 5,500 feet, level 112 feet, and 0.61 percent ascending 1,388 feet to the stub end of track No. 16.

Automatic signal 1339, governing southbound movements on the southward main track of the Pennsylvania, semiautomatic signals 76L, 46L, 24L, and 156L, governing southbound movements on track No. 41, and semiautomatic signals 128L and 82L, governing southbound movements on track No. 16, are located,

respectively, 2.09 miles, 5,030 feet, 3,970 feet, 3,510 feet, 2,570 feet, 2,100 feet, and 1,690 feet north of the stub end of track No. 16. Signal 1339 is of the position-light type, and the other signals are of the color-position-light type.

The automatic cab-signal system and the automatic speed-control system in use on the Pennsylvania are so arranged that if a train passes a signal indicating "approach" at a speed in excess of 30 miles per hour a full-service brake-pipe reduction will be made automatically unless the engineer immediately makes a service brake-pipe reduction of predetermined value. After the speed has been reduced to 30 miles per hour or less the brakes may be released, but they will again become applied if a speed of 30 miles per hour is exceeded while the train is moving on an "approach" cab-signal indication. If a train passes a signal requiring movement at restricted speed the device functions in the same manner except that the speed is restricted to 20 instead of 30 miles per hour. The automatic speed-control equipment on a locomotive may be made inoperative by the engineer while the locomotive is operating over lines not equipped for automatic cab-signal operation.

At the stub end of track No. 16 an all-steel bumping post is bolted to the track rails. The bumper face is approximately 6 feet north of the ends of the rails and 2 feet 10 inches above the level of the tops of the rails. An ornamental wrought-iron train fence separates the south ends of the station platforms from the passenger concourse. This fence is located 61.5 feet south of the ends of the tracks and is at right angles to the tracks. The passenger concourse is 760 feet in length and 84.7 feet in width. Several vestibules at the south side of the concourse and opposite the ends of tracks Nos. 12 to 20, inclusive, afford passageway between the concourse and the main waiting room of the station.

The maximum authorized speed for southbound passenger trains is 80 miles per hour on the main track of the Pennsylvania, 25 miles per hour between signal 76L and signal 156L, and 15 miles per hour between signal 156L and the station platforms at Union Station.

DESCRIPTION OF ACCIDENT

No. 173, a southbound first-class Pennsylvania passenger train designated as the Federal, consisted of electric locomotive 4876, 3 coaches, 1 combination baggage-coach, and 12 sleeping cars, in the order named. The first 3 cars and the 6th, 9th, 10th, 13th, 14th, and 16th cars were of lightweight steel construction and were equipped with tight-lock couplers. The other cars were of conventional all-steel construction, and were equipped with type E couplers except the fourth, which was equipped with Pitt couplers. The train passed Landover, 7.1 miles north of Union Station and the last open office on the line of the Pennsylvania, at 8:30 a. m., 20 minutes late, passed C interlocking on track No. 41 at 8:36 a. m., 19 minutes late, crossed from track No. 41 to track No. 16 at K interlocking, and while moving at an estimated speed of 35 to 40 miles per hour it struck the bumping post and was derailed at the stub end of track No. 16.

The locomotive demolished the bumping post and a portion of the train fence and entered the concourse. It broke through the floor of the concourse and stopped with the front end suspended in the wreckage of the floor and opposite the end of track No. 15 and a few feet north of the south wall of the concourse. The rear end of the locomotive dropped to the floor of the baggage room below the concourse and stopped about 65 feet south of the stub end of track No. 16. The first car stopped with the front end against the rear end of the locomotive and the rear end suspended over the end of track No. 16. A separation occurred between the first and second cars. The second car stopped approximately in line with track No. 15, with its front end about 100 feet south of the end of that track. The front end broke through the floor of the concourse, but did not drop to the floor of the baggage room. The third car stopped with the rear end on the track structure of track No. 16. All of these cars remained upright. The fourth, fifth, and sixth cars were derailed by the force of the impact. They stopped upright and approximately in line with track No. 16.

The locomotive was considerably damaged. The entire body and underframe of the first car were twisted, and there was extensive damage to both the inside and the outside of the body and to the appurtenances below the floor level. The front end of the second car was crushed and torn, the right side of the body was bent and twisted, and there was extensive damage to the interior and to the appurtenances below the floor level. The third car was not badly damaged. The fourth, fifth, and sixth cars were slightly damaged.

The fireman of No. 173 and 11 station employees of the Washington Terminal Co. were injured.

The locomotive of No. 173 was equipped with 8EL brake equipment. The regulatory devices were adjusted to supply brake-pipe pressure of 110 pounds. The first 3 cars and the 6th, 9th, 10th, 13th, 14th, and 16th cars were equipped with D22 brake equipment. The other cars were equipped with UC brake equipment.

The weather was clear at the time of the accident, which occurred about 8:38 a. m.

DISCUSSION

No. 173 originates at Boston, Mass., and is operated over the New York, New Haven & Hartford Railroad from Boston to Pennsylvania Station, New York, N. Y., 231.98 miles, and over the Pennsylvania and the Washington Terminal thence to Union Station, Washington, D. C., 224.6 miles. On the day of the accident this train departed from Pennsylvania Station at 4:38 a. m., 36 minutes late. A terminal test of the brakes was made before the train departed and the brakes functioned properly when used in controlling the speed of the train at various points and in making station stops at Philadelphia, Pa., Wilmington, Del., and Baltimore, Md., 90.4 miles, 116.1 miles, and 184.5 miles, respectively, south of Pennsylvania Station. After the train departed from Baltimore, at 7:59 a. m., the engineer did not have occasion to use the brakes until the train was passing signal 1339, which indicated "approach." At this time the speed was between 60 and 70 miles per hour. As the train passed the signal the indication of the cab signal changed to "approach" and the cab-signal whistle sounded until it was acknowledged by the engineer. The engineer moved the controller from the 10th or 12th notch to the 5th notch and made a split brake-pipe reduction of 17 pounds. The initial reduction was between 5 and 7 pounds, and the reduction was then increased to a total of 17 pounds. The engineer did not notice that the exhaust from the brake valve was unusually short, but when the train reached a point about 3,600 feet south of the signal he observed that the speed of the train was not being reduced in a normal manner. He then moved the controller to "off" position and placed the automatic brake valve in emergency position. The exhaust from the brake valve was short and the emergency application apparently had no more effect in reducing the speed of the train than the service application had. He then notified the fireman that the brakes were not effective and, as the train approached C interlocking, he began to sound the pneumatic horn in an effort to warn other employees that the train was out of control. The sander valve was open during this time. When the front of the train reached a point about 1,500 feet north of the stub end of track No. 16 the engineer attempted to reverse the motors, but the overload relays immediately functioned and this action did not effect any further reduction in speed. He estimated that the locomotive struck the pumping post while moving at a speed of about 35 miles per hour.

As the train passed signal 1339 the fireman heard the cab-signal whistle sound until it was acknowledged by the engineer. At the same time he heard the sound of the exhaust as the engineer made a brake application. He did not notice the length of the exhaust. When the train reached a point about 3,600 feet south of the signal he observed that the speed of the train was excessive and at the same time the engineer told him that the brakes were not effective. He immediately opened the emergency brake valve on the fireman's side of the control compartment. There was no exhaust from the valve. He observed that the automatic brake valve was in emergency position and the independent brake valve was in application position. He then crossed to the engineer's side of the control compartment and observed that the gages indicated that the brake-pipe pressure had been depleted and that the brake-cylinder pressure was about 70 pounds. These are the normal indications after an emergency application of the brakes has been made. The fireman thought that the speed was between 35 and 40 miles per hour at the time the locomotive struck the bumping post.

The conductor thought there was a brake application before the train reached C interlocking, but as the train was closely approaching the interlocking he became aware that the speed was excessive. He proceeded to the front vestibule of the third car and after he entered it he heard the sound of the horn of the locomotive. He immediately opened the conductor's back-up valve, but there was no exhaust and no appreciable reduction in speed. He then returned to the interior of the third car and warned the passengers to remain in their seats and to be prepared for an abrupt stop.

The front brakeman proceeded from the baggage compartment to the passenger compartment of the fourth car as the train was passing through C interlocking. When he became aware that the speed was excessive he proceeded to the rear vestibule with the intention of opening the conductor's back-up valve, but because of the lurching of the car and his difficulty in keeping his footing, he was not certain whether he succeeded in opening the valve before the accident occurred. It is apparent that he did not.

The flagman was in the rear car and he first became aware that the speed was excessive when that car moved through the crossover at K interlocking. At that time he was in the center of the car. Because of passengers in the aisle preparing to leave the train, he was unable to reach the emergency valve at either end of the car before the accident occurred. Neither the front brakeman nor the flagman heard the sound of the pneumatic horn of the locomotive.

An employee who was not on duty was riding in the third car of the train. As it was passing through C interlocking he noticed that the speed was excessive. He immediately opened the emergency valve at the rear of the car. There was no exhaust from the valve.

As No. 173 was passing C interlocking the assistant train director observed that it was moving much faster than usual. Because of other movements between the interlocking station and the track on which No. 173 was moving, he was unable to determine whether there were any indications that the brakes of the train were applied. He immediately informed the train director at K interlocking that it appeared doubtful that the engineer of No. 173 would be able to stop the train short of a stop signal at K interlocking. The train director at K interlocking instructed the leverman to line the route for the train to enter track No. 16, the regularly assigned track for this train. The leverman lined the route for movement from signal 156L to signal 128L and lined the switches beyond signal 128L for movement to track No. 16. No. 173 passed signal 128L before the leverman had had time to clear the signal. When the train director observed the speed at which No. 173 was approaching, the locomotive had already entered the crossover and there was insufficient time to change the positions of any of the switches beyond signal 128L. He immediately warned the employees in the stationmaster's office, which is located near the stub end of track No. 16, that the train appeared to be out of control. He observed that sparks were flying from the wheels and brakeshoes of the locomotive but was unable to determine whether the brakes were applied on the cars of the train.

Examination of the equipment after the accident occurred disclosed that the engineer was successful in obtaining an emergency application of the brakes on the locomotive and the first three cars of the train but no effective brake application was obtained on the other cars. The treads of the wheels of the locomotive showed numerous skid marks and considerable built-up metal, indicating that the wheels had received very heavy braking shortly before they stopped. The wheels of the first three cars were extremely hot when the train stopped. When the wheels were examined between 1 hour and 1 hour and 30 minutes later they were found to be unusually hot considering the length of time which had elapsed after the accident occurred. There was evidence of built-up metal on the treads and at the rims of the wheels, and a number of the brakeshoes were worn almost to the shoe heads. Globules of cooled molten metal hanging on the brakeshoes and heads indicated that the brakeshoes had been very hot. The fact that there was no exhaust when the conductor's valve in the third car was opened also indicates that the brake-pipe pressure had been depleted and an emergency application of the brakes from the front of the train to and including the third car had been obtained at that time. The wheels and brakeshoes of the fourth car and the cars behind the fourth car showed no indications of recent abnormally heavy braking. The flagman of No. 173 inspected the brakes of the 15th and 16th cars immediately after the train stopped and found that they were in release position.

Shortly after the accident occurred a yard engine was coupled to the rear of the train, the air hose between the engine and the rear end of the rear car were coupled, and the angle cocks between the engine and the rear car opened. The angle cocks between the 6th and 7th cars were then closed and the 7th to the 16th cars, inclusive, were removed. No test was made to determine the extent to which the airbrake system of the rear portion of the train was charged prior to the time the angle cocks between the yard engine and the rear car were opened.

Between 20 and 30 minutes after the yard engine departed with the rear cars an employee attempted to separate the air hose between the third and fourth cars. He found that there was a considerable amount of air pressure in the hose and the hose could not be separated easily. In order to release the air pressure, he opened the emergency valve at the front end of the fourth car. There was a forceful exhaust when he opened the valve, and the brakes of the fourth, fifth, and sixth cars became applied. He then discovered that the handle of the angle cock at the rear end of the third car had been moved about 80 degrees from fully open position.

Another employee cut off the end of the brake pipe and the U bolt securing the angle cock to the supporting bracket and removed the angle cock from the car in an attempt to maintain the handle in the position in which it was found. However, he dropped the angle cock to the ground in the process of removing it from the car, and apparently the handle was moved either when the angle cock was dropped or when it was handled after being removed. Tests of the angle cock after it was removed disclosed that the port opening was sufficient to permit the charging of the airbrake system of several cars through the angle cock and to obtain both service and emergency brake applications on these cars. Before No. 173 stopped, an emergency brake application was obtained on the first three cars, but no effective brake application was obtained behind the third car. After the yard engine and the rear 10 cars were detached, the air-brake system of the fourth, fifth, and sixth cars remained charged during a period of between 20 and 30 minutes. During this time the brake pipe ahead of the third car was open. These facts indicate that the angle cock at the rear of the third car was closed before the train stopped and that the handle was removed between the time it was first observed and the time the angle cock was tested after it was removed. Tests of a similar angle cock disclosed that a slight change in the position of the handle made a considerable difference in the port opening. With the handle moved 50 degrees from fully open position an emergency brake application could be obtained through the angle cock, and with the handle moved 65 degrees from fully open position the port was completely closed.

As the wreckage was being removed, it was found that the angle cock was broken off the rear end of the first car and that the handle was latched in fully closed position. However, it is evident that this angle cock was closed as a result of being struck by wreckage during the derailment. The rear end of the first car was considerably damaged, and both the body and the handle of the angle cock bore marks indicating that they had been struck several severe blows. If this angle cock had been closed before the derailment occurred, the engineer would not have been successful in obtaining an emergency brake application on the second and third cars.

After the fourth, fifth, and sixth cars were derailed, the rear 13 cars of the train were assembled in the order in which they had been assembled in No. 173. In order to complete a 16-car train, 3 coaches similar to the first 3 cars of No. 173 were substituted for the original first 3 cars. The angle cock which had been removed from the rear end of the third car was placed at the rear end of the new third car with the handle in what was thought to be the position in which it was found following the derailment. There was no difficulty in charging the rear portion of this train through this angle cock nor in making service and emergency brake applications. After the airbrake system was charged to 110 pounds pressure a leakage test showed that the leakage was approximately 1 pound per minute. Single-car tests then were made of each of the rear 13 cars, and the brakes were found to function properly. After these tests were completed, the air hose, the armored brake-pipe hose, and the brake-cylinder hose were removed from each of the rear 13 cars, and the hoses which were not damaged as a result of the derailment were removed from each of the original first 3 cars. Inspection disclosed that all of these hoses were in good condition and free of obstruction. The automatic brake valve, the feed valve, the independent brake valve, the rotair valve, the distributing valve, and the governor were removed from locomotive 4876 and placed on another locomotive of similar type. They were then tested and were found to function properly.

The angle cock at the rear end of the third car, which was found to be in closed position after the accident occurred, had previously been found in closed position while the train was en route from Boston to New York on the New Haven. The train departed from Boston on January 14 at 11 p. m., on time. A terminal test of the brakes was made before the train departed, and the

brakes functioned properly when used in controlling the speed at various points and in making station stops at Back Bay, Mass., and Providence, R. I., 1.28 and 43.78 miles west of Boston, respectively. The train was stopped a short distance west of Kingston, R. I., 70.78 miles west of Boston, because the brakes were sticking on the rear 2 cars. When it was found that the brakes could not be released from the locomotive, the engineer made an inspection of the train and discovered that the angle cock at the rear of the third car was in fully closed position. He opened the angle cock and latched it in that position and the brakes then functioned properly. Locomotives were changed and 3 cars added to the rear of the train at New Haven, Conn., 156.81 miles from Boston. The brakes were tested before departure and functioned properly when used between New Haven and Pennsylvania Station. There was no change in the consist of the train at Pennsylvania Station except that the locomotives were changed. Car inspectors who inspected the train at Pennsylvania Station found no defective condition. They made a routine inspection of the train and were certain that they would have noticed any angle cock on which the handle was unlatched or moved from fully open position.

After the accident occurred the angle cock and air hose at the rear end of the third car were removed before the car was examined thoroughly. Upon examination of the second car, New Haven 8643, which was of the same construction as the third car, it was found that the angle cocks were located directly under the bottom cross members of the buffer pocket portions of the underframe end construction. The angle cock supporting brackets are rigidly attached to and follow the longitudinal, vertical, and lateral movements of the coupler bodies. With the car uncoupled and the coupler at the undamaged end in normal coupling position the clearance between the top of the angle cock handle and the bottom of the bottom cross member of the buffer pocket was 2 inches and that between the top of the coupler head and the bottom of the top cross member was 3⅝ inches. Because of this difference in clearance the angle cock handle was permitted to come in contact with the bottom cross member on upward movement of the coupler before the coupler head would come in contact with the top cross member. The angle cock was located directly under the bottom cross member instead of 4¼ inches back of the inside face of that member as specified by the New Haven. The coupler, angle cock bracket, and underframe end construction at this end of the second car were not damaged during the derailment and there were no indications that the angle cock had been moved as a result of the accident.

An abrasion mark was found on the top of the handle just above the thumb release of the double-locking angle cock on the undamaged end of the second car. Abrasion marks were also found on the bottom side of the bottom cross member, showing that the handle of the angle cock had been coming in contact with the cross member. Examination of the rear end of the third car disclosed abrasion marks on the bottom cross member similar to and in approximately the same location as those on the second car. Examination of the angle cock which had been removed from the rear end of the third car after the accident disclosed an abrasion on the top of the handle similar to that found on the angle cock of the second car. There were also abrasion marks showing that the coupler heads of the second and third cars had been coming in contact with the top cross members of the buffer pockets.

The fourth car was equipped with conventional type couplers having a vertical clearance of five-eighths of an inch in the coupler carrier assembly. The spring assembly in the 4-wheel trucks of this car had a total deflection of 3.67 inches. The third car was equipped with tightlock couplers requiring a minimum vertical clearance of 3 inches above and 3 inches below the coupling line and was equipped with 4-wheel trucks having a spring assembly with a total deflection of 7 13/16 inches. This contrast in design of couplers and truck-spring assemblies of New Haven cars 8665 and 6103 undoubtedly resulted in a considerable increase in the frequency and intensity of oscillations and vibrations transmitted to the coupler body and the attached angle cock at the rear end of car 8665 while the train was in motion.

The abrasion marks on the handle of the angle cock and the bottom cross member at the rear of car 8665 show that the handle had repeatedly come in contact with the cross member. As the angle cock was so located that contact could be made while the coupler body and the angle cock were moving vertically and either longitudinally or laterally, it is apparent that as a result of these contacts the handle was unlatched and moved toward closed position a sufficient distance to close the angle cock. Tests were made on a car of similar construction by man-

ually manipulating the coupler with a bar, and the handle of the angle cock was moved toward closed position as a result of contact between the handle and the cross member.

If an angle cock is closed after the airbrake system of a train is fully charged, leakage in the airbrake system frequently will cause the brakes of the cars behind the closed angle cock to begin to apply after a period of several minutes. However, if the rate of leakage is very low, it is possible that the brakes of the cars behind the closed angle cock will remain in release position during a considerable period of time. After an angle cock is closed, except on trains equipped with electropneumatic brakes, the brakes of the cars behind the closed angle cock cannot be applied from the locomotive, either by manipulation of the engineer's brake valve or by the functioning of a speed-control system. If this should occur while the brakes of a train are released, the engineer would not be aware that the brakes behind the closed angle cock could not be applied from the locomotive unless a brake test was made after the angle cock was closed or he attempted to reduce the speed of the train by the use of brakes. When operating as intended, electropneumatic train brakes permit the locomotive engineer to apply the brakes behind a closed angle cock as service application is controlled on each car simultaneously by application and release magnets which are energized by current transmitted from car to car through cables.

We find that:

1. The angle cocks on New Haven car 8665 and other cars of similar construction are so located that the handles of the angle cocks are permitted to come in contact with the bottom cross member of the buffer pocket portion of the underframe end construction.

2. Between the time the brakes of No. 173 were released after the train stopped at Baltimore and the time the engineer attempted to apply the brakes as the train approached Washington the angle cock at the rear of car 8665, the third car of train No. 173, became closed, obviously as a result of contact between the handle and the bottom cross member, and after this occurred the brakes of the rear 13 cars of the train could not be applied from the locomotive.

3. The engineer was not aware of the condition of the airbrake system until he attempted to reduce the speed of the train by the use of the airbrakes.

4. Because the airbrakes of the rear 13 cars could not be applied from the locomotive after the angle cock became closed, the engineer was not able to stop the train short of the end of station track No. 16.

5. The two train-service employees who were in cars behind the third car did not become aware of the necessity of making an emergency brake application until it was too late for them to take effective action.

RECOMMENDATION

We recommend that all passenger-train cars equipped with tightlock or similar-type couplers operated over any railroad subject to the Interstate Commerce Act be inspected immediately, and that such cars on which any angle cock is so located that the handle can come into contact with any other portion or appurtenance of the car be withheld from service until such condition is corrected.

KNUDSON, *Commissioner*, concurring:

I approve only the statements of fact and the findings in this report.

By the Commission, Division 3:

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

EXHIBIT III (b)

INTERSTATE COMMERCE COMMISSION

Ex Parte No. 200

ACCIDENTS AT SWAMPSCOTT AND REVERE, MASS.

Decided May 16, 1956

Accidents at Swampscott and Revere, Mass., on February 28, 1956, caused by failure to operate the following trains in accordance with signal indications

Richard Jackson, for the Boston & Maine Railroad Co.
Edward N. Gadsby, for the Massachusetts Department of Public Utilities.
Edward R. Thornton, for the New Hampshire Public Utilities Commission.
Winslow E. Mulvin, for the New Hampshire Public Utilities Commission.
W. Paul Duggan, for the Brotherhood of Locomotive Firemen and Enginemen.
J. L. Scanlon, for the Brotherhood of Railroad Trainmen.
Richard C. Urie, for Raymond F. Jones, Sr.
Frank A. Cashman, for Raymond F. Jones, Sr.
John A. McNiff, for Eleanor Singerman, a passenger.
Ernest C. Hopkins, for the Brotherhood of Locomotive Engineers.
Frederick N. Allen for the Maine Public Utilities Commission.

REPORT OF THE COMMISSION

DIVISION 3, COMMISSIONERS CLARKE, HUTCHINSON, AND WALRATH

CLARKE, *Commissioner:*

This is an investigation by the Commission on its own motion with respect to the facts, conditions, and circumstances connected with two accidents which occurred on the Boston & Maine Railroad on February 28, 1956. The first accident occurred at Swampscott, Mass., and the second occurred at Revere, Mass. Joint hearing was had at Boston, Mass., on March 6, 7, and 8, 1956, with representatives of the Massachusetts Department of Public Utilities. Each accident was a rear-end collision between two passenger trains. The Swampscott accident resulted in the death of 11 passengers and 2 train-service employees, and the injury of 260 passengers and 10 train-service employees. The Revere accident resulted in the injury of 132 passengers and 11 train-service employees.

LOCATION OF ACCIDENTS AND METHOD OF OPERATION

These accidents occurred on that part of the Portland and terminal divisions designated as the eastern route and extending between Portsmouth, N. H., and Boston, Mass., 56.91 miles. In the vicinity of the points of accident this is a double-track line, over which trains moving with the current of traffic are operated by timetable, train orders, and an automatic block-signal system. A line designated as the Danvers branch extends from Danvers, Mass., to Salem tower, a distance of 4.75 miles, and converges with the eastern route at Salem tower, 40.25 miles west of Portsmouth. Another line, designated as the Swampscott branch, extends from Marblehead, Mass., to Swampscott, a distance of 4.41 miles, and converges with the eastern route at Swampscott, 44.11 miles west of Portsmouth.

The Swampscott accident occurred on the westward main track of the eastern route at apoint 2,115 feet east of the station at Swampscott. From the east there are, in succession, a tangent 4,948 feet in length, a 1°02′ curve to the right 905 feet, a tangent 1,647 feet, a 1° curve to the left 2,227 feet, a tangent 470 feet, and a compound curve to the right, having a maximum curvature of 1°03′, 1,913 feet to the point of accident and 2,729 feet westward. At the point of accident the curvature is 1°. Between points 1.7 miles and 1,000 feet east of the point of accident the grade averages 0.33 percent ascending westward. Between the latter point and the point of accident the grade is 0.33 percent descending westward.

As a westbound train approaches the point of the Swampscott accident, the enginemen's view of the track ahead is considerably restricted by the side of a rock cut on the north side of the tracks, and by the north abutment of an over-

pass on which Essex Street crosses the tracks. The west end of the abutment, which is west of the rock cut, is 655 feet east of the point of accident.

The Revere accident occurred on the westward main track at a point 50.32 miles west of Portsmouth and 1,924 feet east of the location of the former station at Revere. From the east there is a tangent 3.07 miles in length and a 0°30′ curve to the right 63 feet to the point of accident and 500 feet westward. From the east the grade is 0.47 percent ascending a distance of 1,400 feet, and practically level 500 feet to the point of accident.

Automatic signals P154, P146, and P138, and semiautomatic signal RA2 are located, respectively, 2.01 miles east, 1,31 miles east, 3,158 feet east, and 570 feet west of the point of the Swampscott accident. Automatic signals P88, P76, and 4 are located, respectively, 2.19 miles east, 1.05 miles east, and 479 feet west of the point of the Revere accident. Signal P154 is of the two-arm lower-quadrant semaphore type. The other signals are of the searchlight type and are approach lighted. Signal RA2 is an interlocking signal and is remotely controlled from Lynn tower, 5,250 feet west of the station at Swampscott. The aspects of these signals applicable to this investigation and the corresponding indications and names are as follows:

Signal	Aspect	Indication	Name
P154	Both arms in diagonal position.	Proceed	Clear.
P146	Green over green	do	Do.
P88	Yellow over red	Prepare to stop at next signal. Train exceeding medium speed must at once reduce to that speed.	Approach.
P138	Green over green, staggered.	Proceed	Clear.
P76	Red over red, staggered.	Stop, then proceed in accordance with rules * * * D-509. * * *	Stop and proceed.
RA2	Green over red over red.	Proceed	Clear.
4	Red over red over red.	Stop	Stop.

The controlling circuits are so arranged that when the blocks of signals P154 and P146 are clear and the block of signal P138 is occupied, signal P154 indicates "Proceed," signal P146 indicates "Prepare to stop at next signal," and signal P138 indicates "Stop, then proceed at restricted speed." When the block of signal P88 is clear and the block of signal P76 is occupied, signal P88 indicates "Prepare to stop at next signal," and signal P76 indicates "Stop, then proceed at restricted speed."

This carrier's operating rules read in part as follows:

DEFINITIONS

"*Speeds:*

"Medium: A speed not exceeding 30 miles per hour.

"Restricted: A speed that will permit stopping short of another train, obstruction, or switch not properly lined but not exceeding 15 miles per hour.

"11. In block signal territory fusees burning red 5 minutes will be used. Train finding a lighted fusee will stop, then proceed at restricted speed to the next signal but for not less than 1 mile. * * *

* * * * * * *

"27. * * * a signal imperfectly displayed, or the absence of a signal at a place where a signal is usually shown, must be regarded as the most restrictive indication that can be given by that signal. * * *

* * * * * * *

"34. All members of train and engine crews must, when practicable, communicate to each other by its name the indication of each signal affecting the movement of their train or engine.

"Indications must not be called until seen by the person calling. (This does not prohibit engineman acknowledging by name, signal called, which he cannot see.) * * *

* * * * * * *

"99. When a train is moving under circumstances in which it may be overtaken by another train, the flagman must throw off lighted fusees at proper intervals and take such other action as may be necessary to insure full protection.

"When a train stops under circumstances in which it may be overtaken by another train, the flagman must go back immediately with flagman's signals a sufficient distance to insure full protection, placing two torpedoes and, when necessary, in addition, displaying lighted fusees.* * *

* * * * * * *

"NOTE.—When trains are operating under automatic block system rules, protection against following trains on the same track will have been provided when full protection is afforded against trains moving at restricted speed.

* * * * * * *

"D–509. When a train or engine is stopped by an automatic block signal it may proceed at once at restricted speed. * * *"

The maximum authorized speed for passenger trains on the line on which these accidents occurred is 60 miles per hour.

DESCRIPTION OF SWAMPSCOTT ACCIDENT

No. 214, a westbound first-class passenger train en route from Portsmouth to Boston, consisted of diesel-electric unit 1516, a road-switcher type, 5 coaches, and 1 combination baggage-smoking car, in the order named. All cars were of all-steel construction. This train departed from Portsmouth at 6:40 a. m., on time, and departed from Salem tower, the last reporting station, at 8:10 a. m. The speed of the train was reduced at signal P146 because the aspect of the signal was obscured by snow and the enginemen were unable to determine the indication until the locomotive was closely approaching. The roundels of signals P138 and RA2 were covered with snow to the extent that the enginemen could not distinguish a light in either signal. The train passed signal P138 at low speed and was stopped at signal RA2. Between 2 and 3 minutes later the rear end was struck by No. 2406. The accident occurred at a point 2,115 feet east of the station at Swampscott. No. 214 was due to leave Swampscott at 7:54 a. m., approximately 24 minutes before the accident occurred.

No. 2406, a westbound first-class passenger train en route from Danvers to Boston, consisted of 3 diesel-powered passenger units and 1 diesel-powered passenger-baggage unit, in the order named. This train was held at Salem tower to follow No. 214. After No. 214 passed, No. 2406 passed Salem tower and entered the eastern route at 8:12 a. m. It passed signal P146, which should have indicated "Prepare to stop at next signal," passed signal P138, which should have indicated "Stop; then proceed at restricted speed," and while moving at a speed estimated to have been between 40 and 55 miles per hour it struck the rear end of No. 214. No 2406 was due to leave Swampscott at 8:08 a. m., approximately 10 minutes before the accident occurred.

No. 214 was moved westward a distance of approximately 50 feet by the force of the impact. When the impact occurred, the underframe of the rear car of No. 214 overrode the underframe of the first unit of No. 2406. Both trucks of the rear car of No. 214 were displaced, and the underframe of this car sheared the superstructure from the first unit of No. 2406. The rear end of the rear car of No. 214 was deflected to the north, and the car stopped upright, at an angle of approximately 45 degrees to the tracks, with the rear end toward the northeast. The front end of the car was resting on top of the rear end of the first unit of No. 2406. The draft sills at the rear end were somewhat distorted, and the car was considerably damaged. The rear end of the fifth car was derailed to the south, and this car stopped upright with the rear end between the two main tracks. It was somewhat damaged. The first, second, and fourth cars were slightly damaged.

No. 2406 stopped with the front end of the first unit approximately 200 feet west of the point of collision. The first unit was derailed to the north and stopped against the side of the fifth car of No. 214. The superstructure was sheared off the underframe from the front end of the unit to within a few feet from the rear end. The front end underframe assembly was deflected downward, and the center sills were broken behind the front bolster. The other units, which were also derailed, stopped upright and in line with the track. The front end of the second unit was badly damaged, and the third and fourth units were somewhat damaged.

The engineer and the fireman of No. 2406 were killed. The engineer, the fireman, the conductor, two assistant conductors, and the flagman of No. 214, and the conductor, the assistant conductor, the train baggageman, and the flagman of No. 2406 were injured.

A heavy wet snow was falling at the time of the accident, which occurred about 8:18 a. m. The United States Weather Bureau station at the airport at East Boston, Mass., approximately 12 miles southwest of Swampscott, reported that between 8 a. m. and 9 a. m. the temperature was 29 degrees above zero.

Diesel-powered passenger units of the type involved are of stainless steel construction. Each is 85 feet long between pulling faces of the couplers and is mounted on two 4-wheel trucks. The weight in working order is 118,000 pounds. Power is supplied by two 275-horsepower diesel engines mounted under the floor of the unit. Each engine drives the inboard axle of one truck through a torque converter transmission. An operator's station is located at the right-hand side of the vestibule at each end of the unit. A representative of the builder of these units testified that the construction of the units met or exceeded the minimum strength requirements contained in the specifications for the construction of new passenger equipment cars adopted as standard by the Association of American Railroads. Among these specifications are the following: A car structure is required which will resist minimum static end load of 800,000 pounds applied on center line of draft without developing any permanent deformation in any member of the car structure; the outside end of each car shall be provided with 2 main vertical members, 1 at each side of the diaphragm opening; each of these members shall have a section modulus of not less than 24.375, and the sum of the section moduli of all vertical end members at each end of the car shall be not less than 65; the 2 main vertical end members are required to have an ultimate shear value of not less than 300,000 pounds each at a point even with the top of the underframe to which they are attached.

The brakes of these units are of the disk type. The brake equipment includes a control valve of the D–22–AR type and an M23 brake valve at each control station. A safety-control feature actuated by a pedal is provided. If pressure on this pedal is released an emergency application of the brakes will result, unless a brake application of a predetermined brake-cyclinder pressure has been made. Each control compartment is equipped with a pushbutton for manual control of the sanding devices. Sand delivery hose and traps and delivery nozzles are provided. These are so located that, when the unit is moving in either direction and the sanding devices are actuated, sand is deposited on the rails in front of the front wheels of each truck. The rate of flow of sand is regulated by preadjustment of air-pressure nozzles located in the traps. A brake disk is bolted to the inner face of the hub of each wheel, and braking force is applied by pressure of composition-lined brake shoes against the faces of this disk. An anti-wheel-slide device of the electropneumatic type is provided. This consists of inertia devices applied to a journal box of each axle and connected in such manner that an exeessive rate of deceleration of any pair of wheels closes electrical contacts which actuate an electric solenoid valve in the control box to release air from the brake cylinder, and, under control of a time relay, reopen the circuit to reapply air to the brake cylinder after a predetermined time interval. During service application of the brakes, each operation of the anti-wheel-slide device will actuate the sanding apparatus for a 3-second interval and will cause sand to be deposited on the rails in front of the front wheels of the truck. Automatic sanding of the rails during an emergency application of the brakes is provided and functions for a period of 30 seconds during such applications. A handbrake is located in the vestibule at one end of each unit.

DISCUSSION OF SWAMPSCOTT ACCIDENT

After No. 214 departed from Newburyport, Mass., 19.64 miles west of Portsmouth, a defective condition of the supercharger of the diesel engine developed and the train lost running time. Snow was falling, and a strong wind was blowing from the north and northeast. When the train reached Beverly, 38.58 miles west of Portsmouth, the enginemen found that the roundels of the signal of an interlocking were covered with snow to the extent that they could not determine the indication of the signal, and it was necessary to stop and obtain permission from the operator to proceed. After the train departed from the station at Salem, 40.59 miles west of Portsmouth, blowing snow restricted the enginemen's range of vision to a distance of from 1,000 to 1,500 feet. The enginemen saw the aspect of semaphore signal P154, which indicated Proceed. Because of snow on the roundels of signal P146, the enginemen were unable to see a light in the signal as the train approached. The engineer reduced the speed to about 5 miles per hour, and as the locomotive was about to reach the signal he saw that the signal was displaying a faint green light. The enginemen were unable to distin-

guish a light in signal P138 as the locomotive approached and passed the signal. Because of the defective condition of the supercharger the engineer did not want to stop the train if it could be avoided, and he passed the signal at a speed of 2 or 3 miles per hour and proceeded at restricted speed to signal RA2. No lights were visible in this signal, and the train was stopped at the signal. After the train stopped, the engineer applied the independent brake and released the automatic brake. The conductor alighted from the first car and called the operator at Lynn Tower on the telephone to secure permission for the train to pass the signal. The engineer saw No. 2406 as that train passed under the overpass at Essex Street, and at approximately the same time he heard the pneumatic horn of that train sounded. Both the engineer and the conductor estimated that the collision occurred between 2 and 3 minutes after the train stopped. Before the train arrived at signal RA2 the flagman had dropped a lighted 5-minute red fusee in the vicinity of signal P146 and a second fusee in the vicinity of signal P138. He did not know whether either of them remained lighted. When the train stopped at signal RA2 the flagman immediately proceeded eastward to provide protection. When he reached a point about 175 feet east of the rear end of his train he heard the sound of an approaching train. He then began to run eastward. Because of curvature of the track he was unable to see No. 2406 until that train was closely approaching the overpass at Essex Street. When he saw the train he gave stop signals with a red flag, but he did not have time to light a fusee before the train passed. The engineer of No. 2406 sounded a whistle signal immediately after he reached a point from which the flagman's signals could be seen by him. The flagman saw that both the engineer and the fireman were standing when the front of the train passed. He was not certain of his exact location, but he thought he was about 200 feet east of the rear end of his train when the collision occurred. He estimated that No. 2406 passed him at a speed of 50 or 55 miles per hour. Because the units of No. 2406 were equipped with disk brakes, the flagman was unable to determine whether brakes were applied as the train approached and passed him.

When the accident occurred, the crew of No. 2406 was returning to Boston after having made an eastbound trip from Boston to Danvers. The brakes of the train had been tested before departure from Boston, the initial terminal, and also before departure from Danvers. The train made 3 station stops between Danvers and Salem Tower, and was then held at Salem Tower about 14 minutes to follow No. 214. After No. 214 passed, No. 2406 entered the Eastern Route and stopped at the station at Salem. The brakes apparently functioned properly when making each of these stops. The conductor had talked with the enginemen several times during the morning, and he thought they were in normal mental and physical condition. As the train was leaving Salem the engineer remarked to the conductor that No. 214 was close ahead. The conductor estimated that at this time visibility was restricted by blowing snow to a distance of about 200 feet. As No. 2406 was approaching Swampscott the conductor was in the first unit, and the assistant conductor and the train baggageman were in the rear unit. None of these employees had noticed a brake application or a reduction in speed after the train departed from Salem. The conductor estimated that the speed was between 40 and 45 miles per hour as the train approached Swampscott, and the other 2 employees estimated that it was between 45 and 50 miles per hour. The conductor, who was near the front end of the first unit, was not aware that anything was wrong until he saw that the enginemen had opened the door and were entering the passenger compartment. The engineer warned him that there would be a collision, and the accident occurred almost immediately afterward. The conductor had not noticed the sound of the pneumatic horn. Each of the three members of the train crew who were questioned testified that he felt no brake application before the collision occurred. Both the conductor and the assistant conductor were standing in the aisle, and each of these employees thought he would have noticed an effective brake application.

In observations made after the accident occurred, it was found that the view of the point of accident from the engineer's position at the front of a diesel-powered passenger unit approaching from the east is restricted by the north abutment of the overpass at Essex Street to a distance of 747 feet.

No. 2506, the train which followed No. 2406, passed Salem Tower at 8:20 a. m. This train consisted of a diesel-electric locomotive and six cars. The engineer testified that signal P154 indicated Proceed and that as the train approached signal P146 he asked the fireman, who was operating the locomotive, whether he could determine the indication of the signal. The fireman called the signal

as indicating Proceed. As the train was passing the signal the fireman made a brake application and informed the engineer that he was uncertain as to the indication of the signal. This train was stopped at signal P138 in response to signals given by the flagman of No. 2406. The enginemen were unable to distinguish a light in this signal either before or after the train stopped.

The equipment of No. 2406 was examined at the scene of the accident by an inspector of this Commission approximately 2 hours 20 minutes after the accident occurred. In the wreckage of the control compartment the handle of the automatic brake valve was found to be in emergency position. All brakes which could be examined at this time were found in release position. Later this equipment was removed to the shops of the carrier, and the brake equipment of the rear three units was tested. After breaks in the piping were plugged the brake system was charged from a shop air line, and the brakes functioned properly. The sanders were not tested at this time. The equipment had received severe shocks at the time of the accident and during subsequent rerailing operations, and it was considered that tests would not indicate the condition of the sanders before the accident occurred. No flat spots were found on the wheels of any of the units. The automatic brake valve and the service and emergency portions of the control valve of the first unit were tested on a test rack in accordance with standard tests, and they met all requirements of these tests. Examination of the inspection and repair reports for these units for a period of approximately 1 month prior to the occurrence of the accident disclosed that on February 15 the anti-wheel-slide device of the second unit was reported to function at times with brake-pipe reductions of 10 pounds. No other items pertinent to this accident were reported.

DESCRIPTION OF REVERE ACCIDENT

No. 2206, a westbound first-class passenger train en route from Marblehead to Boston, consisted of diesel-electric unit 1573, a road-switcher type, 4 coaches, and 1 combination baggage-smoking car, in the order named. All cars were of all-steel construction. This train departed from Marblehead at 7:57 a. m., on time, and passed Lynn Tower, the last reporting station, at 9:11 a. m. It was stopped at signal 4 because the roundels of the signal were covered with snow to the extent that the enginemen were unable to determine the indication. About 2 minutes later the rear end of the train was struck by No. 2208. The accident occurred at a point 1,924 feet east of the location of the former station at Revere. No. 2206 was due to leave Revere at 8:26 a. m., 1 hour 3 minutes before the accident occurred.

No. 2208, a westbound first-class passenger train en route from Marblehead to Boston, consisted of two diesel-powered passenger units. The units were of the same type as the units of No. 2406. This train departed from Marblehead at 8:30 a. m., on time, and passed Lynn Tower at 9:21 a. m. It passed signal P88, which should have indicated Prepare-to-stop-at-next-signal, passed signal P76, which should have indicated Stop-then-proceed-at-restricted-speed, and while moving at a speed variously estimated as from 5 to 30 miles per hour it struck the rear end of No. 2206. No. 2208 was due to leave Revere at 8:53 a. m., 36 minutes before the accident occurred.

No equipment of either train was derailed. The rear end of the rear car of No. 2206 and the front end of the first unit of No. 2208 were slightly damaged. Several windows in the cars of No. 2206 were broken, and many seat pedestals in these cars were loosened from the floor by the force of the impact. The mounting brackets of one engine of the first unit and both engines of the second unit of No. 2208 were bent, and both units were somewhat damaged.

The engineer, the fireman, the conductor, an assistant conductor, the train baggageman, and the flagman of No. 2206, and the engineer, the fireman, the conductor, an assistant conductor, and the flagman of No. 2208 were injured.

A heavy snow was falling at the time of the accident, which occurred at 9:29 a. m. The United States Weather Bureau Station at the airport at East Boston reported that between 9 a. m. and 10 a. m. the temperature was 26° above zero.

DISCUSSION OF REVERE ACCIDENT

No. 2206 arrived at Swampscott about 8:12 a. m. and was held at that point for a considerable period of time because of the collision between No. 214 and No. 2406. It was then operated over the eastward main track from

Swampscott to Lynn tower and entered the westward main track at the latter point. A heavy wet snow was falling, and the enginemen's range of vision was restricted to a distance which the engineer estimated as from 400 to 600 feet. Between Lynn tower and signal P88 there are 2 automatic signals and 2 interlocking signals governing westbound movements on the westward main track. The roundels of the signals were covered with snow, and the train was stopped at the first automatic signal because the enginemen were unable to determine the indication. After the train stopped, the enginemen saw that the signal indicated "Proceed." It was necessary to stop the train at each of the interlocking signals and to clean the snow from the roundels before the enginemen could determine the indications. The aspects of signals P88 and P76 each were somewhat obscured, but the enginemen were able to determine the aspect of each signal, which indicated "Proceed." The train passed each signal at a speed of about 15 miles per hour. The enginemen were unable to determine the indication of signal 4, and the train was stopped at the signal. When the train stopped, the engineer applied the independent brake and released the automatic brake. About 2 minutes after the train stopped, and while the fireman was cleaning the snow from the signal, the rear end of the train was struck by No. 2208. The fireman said that the roundel of each signal which he cleaned was covered with an inch or more of heavy wet snow and that there was a light coating of ice over the snow on signal 4. Before the train reached Revere the flagman had left a lighted 5-minute red fusee at each of the 2 interlocking signals west of Lynn tower, and had dropped a fusee as the train approached signal P76 and a second fusee as the train passed the signal. He did not know whether the latter two fusees remained lighted. Before No. 2206 stopped at Revere the flagman saw the headlight of the following train. As soon as the speed of No. 2206 was reduced sufficiently to permit him to alight, he proceeded eastward and gave stop signals with a lighted fusee. He thought he had reached a point beween 100 and 150 feet east of the rear end of his train when No. 2208 passed. He estimated that the speed of No. 2208 was between 10 and 15 miles per hour as that train passed. An assistant conductor who was at the rear of the rear car of No. 2206 estimated that the flagman had reached a point between 120 and 200 feet east of the rear end of his train when No. 2208 passed.

When the accident occurred the crew of No. 2208 was returning from Marblehead to Boston after having completed one round trip between these points. The same equipment was used on each trip. The brakes had been tested before departure from Boston, the initial terminal, and also after the enginemen changed control compartments at each turn-around point. They had functioned properly during these tests and when used en route. No. 2208 arrived at Swampscott about 8:47 a. m., and was stopped at that point in response to stop signals given by the flagman of No. 2206. After No. 2206 departed, No. 2208 was routed over the eastward main track from Swampscott to Lynn tower and entered the westward main track at the latter point. Visibility was materially restricted by blowing snow, and the engineer estimated that his range of vision was about 200 feet at some points and 600 or 700 feet at other points. Until the train reached signal P88 the aspect of each signal was clearly visible and each signal indicated "Proceed." The aspect of signal P88 was somewhat obscured, and the engineer prepared to stop short of the signal. When he reached a point about 100 feet east of the signal he saw that the aspect appeared to indicate "Proceed." The aspect of signal P76 was somewhat obscured also. The engineer reduced the speed to about 15 miles per hour, and as the train closely approached the signal the enginemen saw that the aspect of signal appeared to indicate "proceed." The engineer saw the rear end of No. 2206 at a distance which he thought was 750 or 800 feet. At this time the speed of the train was 33 miles per hour. The engineer immediately made a service application of the brakes. The brake application did not appear to be effective, and the engineer observed that the gage indicated that the brake-cylinder pressure was 40 pounds and that the anti-wheel-slide device on the front truck was actuated several times. Actuation of the anti-wheel-slide devices on other trucks is not indicated on the gage in the front control compartment. The engineer then took his foot off the safety-control pedal and moved the brake valve to emergency position. When he saw that the train would not stop short of the preceding train he stepped to the door and warned the passengers in the first unit. He thought that the speed had been reduced to 5 or 6 miles per hour when the collision occurred. He estimated that if the rails had been dry and the anti-wheel-slide devices had not been actuated he could have

stopped within half the distance at which he first saw the preceding train. The assistant conductor estimated that the speed was about 30 miles per hour as the train approached the point of accident. He was not aware of a brake application before the collision occurred. The flagman thought the speed was 25 or 30 miles per hour. Both the conductor and the flagman thought the speed was reduced before the collision occurred. The enginemen both saw the flagman of the preceding train with a lighted fusee, but they thought he was only a few feet east of the rear end of his train. They had not seen any other lighted fusees after leaving Swampscott.

The airbrake equipment of No. 2208 was tested at Boston about 3:30 p. m. on the day of the accident and, with the exception of the sanding devices, was found to function properly. When the sanders on the first unit were tested it was found that sand flowed from both nozzles on the front truck but from only one nozzle on the rear trunk. The units had been separated before the tests were made. At the time of the tests it was not determined which end of the second unit was ahead at the time of the accident, and the sanders of this unit were tested from both ends. When tested from the A end of the unit, sand flowed from the two nozzles on one side of the unit, but none flowed from either nozzle on the other side. When tested from the opposite end of the unit, no sand flowed from any of the nozzles. When the unit was inspected later it was found that both engines were shifted toward the A end, indicating that this end was ahead at the time of the accident.

DISCUSSION OF BOTH ACCIDENTS

The signal apparatus in the vicinity of the point of each accident was inspected and tested by the signal force of the carrier after the accidents occurred. No condition was found which could have caused an improper operation of the signals involved in either accident. However, at the time of the accidents the roundels of the signals involved were covered with snow. In the investigation of the Swampscott accident, the engineer of the train which preceded No. 2406 testified that it was difficult to determine the indication of signal P146. The engineer of the train which followed No. 2406 testified that his fireman, who was operating the locomotive, was uncertain of the indication of this signal. Both of these engineers testified that it was impossible to determine the indication of signal P138. In the investigation of the Revere accident, the enginemen of the train which preceded No. 2208 testified that they experienced difficulty in determining the indications of signals P88 and P76. The enginemen of No. 2208 testified that they thought that signals P88 and P76 each indicated "Proceed."

According to the testimony of the engineer of No. 2208 the Revere accident would have been averted if the brake application which he made when he first saw the rear end of the preceding train had been effective. This witness testified that with the exception of the stop at Revere he had experienced no difficulty in controlling the speed of the train on the day of the accident. However, he also testified that on previous occasions when rail conditions had been unfavorable he had experienced difficulty in making station stops with this type of equipment, and that it was not uncommon for enginemen to overrun stations while operating this type of equipment under these conditions. Another engineer who was questioned during the hearing testified that the brakes on this type of equipment are very satisfactory when rail conditions are favorable, but when rail conditions are unfavorable it is necessary to anticipate a considerable increase in stopping distances. He testified that on one occasion, under unfavorable rail conditions, he had overrun a station a distance of 1,200 or 1,500 feet. In this instance he had approached the station at a speed of 40 or 45 miles per hour. He had anticipated as he approached the station that the stopping distance might be increased by action of the anti-wheel-slide devices, but after making allowances for this possibility he had passed the station at a speed of 25 or 30 miles per hour.

According to the testimony of a representative of the manufacturer of the equipment, the brake was designed to produce maximum braking effort consistent with wheel-rail adhesion under normal rail conditions. The anti-wheel-slide device is employed to prevent wheels from sliding when this adhesion is reduced because of unfavorable rail conditions. As this witness described the operation of the device, when a wheel begins to slip or slide brake-cylinder pressure on that truck is reduced momentarily to permit the wheel to regain rail speed. The brake is then reapplied. Approximately 3 seconds elapse between the time the device is actuated and the time brake-cylinder pressure is fully

restored, and during this period sand is automatically deposited on the rails to restore wheel-rail adhesion. On a 2-unit train, each time an anti-wheel-slide device is actuated the stopping distance is increased approximately 6 feet for each 5 miles per hour the train is moving, but since sliding adhesion is less than rolling adhesion the stopping distance is not increased to the extent it would be if the wheel were allowed to continue to slide. The anti-wheel-slide device on each truck functions independently of the devices on the other trucks of a train. Each of the four sanding stations on each unit functions independently, and the failure of one would not affect the others. Wheel-rail adhesion is restored immediately by automatic sanding each time an anti-wheel-slide device functions, and it was the opinion of this witness that for this reason it is not likely that there would be a series of wheel slips which would actuate the device repeatedly.

On March 30, 1956, tests were conducted to determine stopping distances for a train consisting of four diesel-powered passenger units similar to those involved in the Swampscott accident. These tests were conducted on the southward main track between Woburn Junction and Winchester, Mass. At the point at which the tests were made the track is tangent. The grade is 0.18 percent descending southward, the direction in which the test train was operated. The weather was cloudy, and there was an intermittent drizzle. The temperature was between 35° and 40° above zero. There was no appreciable wind velocity. The ground was covered with wet heavy snow. This snow was not disturbed by air currents resulting from passage of the test train and was not of sufficient depth to cover the rails. In general the rails were wet as a result of the weather conditions, and during each of the first three tests additional water was applied to the rails by means of sprays mounted in front of the front truck of the first unit of the train. The same section of track was used in making each test.

In the first test a full service application of the brakes was made while the train was moving at a speed of 48 miles per hour. The train stopped in 27 seconds and within a distance of 1,209 feet. The calculated stopping distance was 1,250 feet. In the second test an emergency brake application was made at a speed of 48 miles per hour. The train stopped in 20.5 seconds and within a distance of 806 feet. The calculated stopping distance was 800 feet. In the third test an emergency brake application was initiated by the pedal of the safety-control feature at a speed of 48 miles per hour. The train stopped in 21 seconds and within a distance of 823 feet. During the fourth test water was not sprayed on the rails in front of the train. An emergency brake application was made at a speed of 70 miles per hour. The train stopped in 28.6 seconds and within a distance of 1,530 feet. The calculated stopping distance was 1,540 feet. The service application of the brakes developed brake-cylinder pressure of 60 pounds, and the emergency applications each developed brake-cylinder pressure of 78 pounds. The feed valve was adjusted to supply brake-pipe pressure of 90 pounds. The anti-wheel-slide devices were not actuated except during the first test. During this test the device on each truck of the rear unit was actuated once.

During these tests the brakes of the train were effective and functioned as intended. However, while these tests indicated that the rates of deceleration were satisfactory under the conditions which existed at the time of the tests, they are not conclusive as to the possible results of tests made under other conditions. During the investigation of these accidents two engineers testified that they had experienced difficulty in controlling the speed of this type of equipment under certain conditions. This Commission has also received reports, both before and after the investigation of these accidents, that engineers on other railroads have experienced similar difficulty. From these reports it appears that some difficulty has been experienced which may have been the result of the functioning of anti-wheel-slide devices, and that other difficulty has been experienced which may have been the result of ice and snow on brake disks and shoes. When the tests were conducted on March 30 the sanders of the test train functioned properly, as indicated by sand on the rails behind the train after the first emergency stop, and with two exceptions the anti-wheel-slide devices were not actuated. At the time of the tests the temperature was above freezing, and there was no accumulation of snow or ice on the brake disks, brakeshoes, or trucks.

The airbrake systems of these units have been designed to produce a high rate of deceleration, and it is necessary to have a high level of wheel-rail adhesion to prevent the operation of the anti-wheel-slide devices. The anti-

wheel-slide device of a pair of wheels operates when the adhesion drops to a point at which the wheels begin to slip or slide. Sanding of the rails is then necessary in order to obtain a high level of adhesion to restore the wheels to normal rotation. It has been observed in the operation of these units under unfavorable rail conditions that if the sanding devices of a unit fail to deliver sand when required, or fail to deliver sufficient sand, the deceleration of the unit may be impaired by repeated operation of the anti-wheel-slide devices.

It has been reported to the Commission that instances of failure to control speed properly have occurred when snow was blowing and the temperature was a few degrees below freezing. From these reports it appears that under these weather conditions wet snow and moisture froze on the brake discs and shoes while the brakes were released, and that when the brakes were then applied they did not become effective until the ice was cleared from the faces of the discs and the friction surfaces of the shoes.

It would appear that the management of the Boston & Maine Railroad is aware that this type of brake equipment is affected by weather conditions and also that a brake application when rail conditions are unfavorable may result in actuation of the anti-wheel-slide devices, as indicated by the instructions which have been issued for handling this type of equipment. These instructions read in part as follows:

"During snow and icy conditions when braking discs and shoe linings may be wet, it is important that braking for slowdowns and stops be started sooner than usual. The initial brake pipe reduction should be sufficient to develop high B. C. pressure (consistent with speed) to clean the discs and brake linings as quickly as possible. Manual sanding must be used if rail conditions are such that Rolokrons may operate. Brake cylinder pressure should be graduated off as required.

"When bad rail conditions exist (rain, leaves, frost, etc.) it is important that brake applications for stops or slowdowns be started in sufficient time so that two or more brake applications can be made, if necessary, to insure proper control of speed. Manual sanding must be used as required to prevent any unnecessary Rolokron operation. * * *"

* * * * * * *

This Commission has investigated one previous accident in which failure to control the speed of a diesel-powered passenger unit of similar type was involved. At the time of this accident the weather was clear and the rails were dry. The engineer said that he made an emergency application of the brakes while moving at a speed which he estimated as 30 miles per hour. The train then moved a distance of approximately 875 feet and struck the rear end of a preceding train. After the accident occurred the rails were found to be sanded throughout this distance. Both the engineer and the conductor said that the anti-wheel-slide devices were actuated after the brakes were applied.

In the Swampscott accident, it is improbable that the following train could have been stopped short of the point of accident after it reached a point from which the engineer could see the flagman of the preceding train, in view of the excessive rate of speed, but there should have been a considerable reduction in speed within this distance if an effective brake application had been obtained. The engineer sounded the pneumatic horn and left his seat before he passed the flagman of No. 214. While there is no evidence that he made a brake application before leaving his seat, it is obvious that he removed his foot from the safety-control pedal after he left his seat. In the Revere accident, the engineer of the following train testified that the stopping distance of his train was considerably extended by action of the anti-wheel-slide devices. In view of the questions which have been raised concerning the variations in the rate of deceleration of this type of equipment under various conditions, it appears that a series of tests is warranted which will be sufficiently comprehensive to determine the operational characteristics of this type of brake under all climatic and rail conditions. This type of brake is in use throughout the country, and it would be desirable that such tests be conducted under conditions which will determine the operational characteristics not only under the conditions which exist on the Boston & Maine Railroad but also under conditions which exist on other railroads.

We find that:

1. The signal apparatus involved in each accident was operating properly at the time of the accidents.

2. The roundels of the signals were covered with snow, thereby obscuring the signal aspects to such an extent that, in accordance with the carrier's operating rules, the trains were not authorized to proceed in excess of restricted speed, which is not to exceed 15 miles per hour.

3. Each accident was caused by failure to operate the following train in accordance with signal indications.

4. In each accident the following train was being operated at an excessive rate of speed.

5. At Swampscott the engineer of No. 2406 sounded the pneumatic horn and left his seat before he passed the flagman of No. 214, but there was no appreciative deceleration of the train before the accident occurred.

6. At Revere the engineer of No. 2208 applied the brakes as the train approached the point of impact, but the stopping distance may have been extended as a result of functioning of the anti-wheel-slide devices.

7. The efficiency and reliability of the type of brake equipment in use on the diesel-powered passenger units involved in these accidents has proved satisfactory under normal operating conditions in various classes of service over a considerable period of time. In the braking tests conducted on March 30, 1956, the rate of deceleration obtained in both service and emergency brake applications was very satisfactory.

8. The tests conducted on March 30, 1956, are not conclusive as to the retardation which might be obtained under certain adverse conditions which occasionally occur and which have been reported to affect the rate of deceleration.

RECOMMENDATION

We recommend that the Association of American Railroads conduct a series of tests which will be sufficiently comprehensive to determine the operational characteristics under adverse conditions of the type of brake in use on the diesel-powered passenger units involved in these accidents.

By the Commission, Division 3:

[SEAL] HAROLD D. MCCOY,
Secretary.

EXHIBIT III (c)

INTERSTATE COMMERCE COMMISSION

Report No. 3600

BOSTON AND MAINE RAILROAD IN RE ACCIDENT AT NASHUA, N. H., ON NOVEMBER 12, 1954

SUMMARY

Date: November 12, 1954.
Railroad: Boston & Maine.
Location: Nashua, N. H.
Kind of accident: Derailment.
Train involved: Passenger.
Train number: 302.
Engine number: Diesel-electric units 3818 and 3820.
Consist: 8 cars.
Speed: 70 miles per hour.
Operation: Timetable, train orders, and automatic block-signal system.
Tracks: Double; 6° 35′ curve; level.
Weather: Clear.
Time: 5:52 a. m.
Casualties: 1 killed; 53 injured.
Cause: Excessive speed on curve.

INTERSTATE COMMERCE COMMISSION

Report No. 3600

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910

BOSTON & MAINE RAILROAD

December 27, 1954

Accident at Nashua, N. H., on November 12, 1954, caused by excessive speed on a curve.

REPORT OF THE COMMISSION [1]

CLARKE, *Commissioner:*

On November 12, 1954, there was a derailment of a passenger train on the the Boston & Maine Railroad at Nashua, N. H., which resulted in the death of 1 passenger, and the injury of 35 passengers, 5 railway mail clerks, 2 Pullman Co. employees, 2 buffet-sleeping car employees, 1 railway express messenger, 4 train-service employees, and 4 employees not on duty. This accident was investigated in conjunction with representatives of the New Hampshire Public Utilities Commission.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred on that part of the New Hampshire division extending between Concord, N. H., and South Lowell, Mass., 50 miles. In the vicinity of the point of accident this is a double-track line, over which trains moving with the current of traffic are operated by timetable, train orders, and an automatic block-signal system. The main tracks from west to east are designated as "southward main track" and "northward main track." At Nashua Union Station, 34.36 miles south of Concord, auxiliary tracks parallel the southward main track on the west, and a siding and an auxiliary track, from west to east in the order named, parallel the northward main track on the east. A 3-track through-truss bridge, 117 feet in length, spans the Nashua River at a point 1,279 feet north of the station. The accident occurred on the southward main track at a point 281 feet south of the south end of the bridge. From the north on the southward main track there are, in succession a tangent 2,050 feet, a 1° curve to the left 345 feet, a tangent 429 feet, a 3°08′ curve to the right 309 feet, a tangent 117 feet over the bridge and a compound curve to the right, having a maximum curvature of 6°35′, 281 feet to the point of accident and 423 feet southward. The grade in the vicinity of the point of accident is practically level.

The track structure of the southward main track consists of 112-pound rail, 39 feet in length, laid new in 1944 on an average of 22 treated ties to the rail length. It is fully tie plated with double-shoulder canted tie plates, spiked with 2 rail-holding and 2 plate-holding spikes per tie plate, and is provided with 4-hole 24-inch joint bars and an average of 8 rail anchors per rail. It is ballasted with trap rock to a depth of 6 to 8 inches below the bottoms of the ties. In the immediate vicinity of the point of derailment the gage varied between 4 feet 8$^{9}/_{16}$ inches and 4 feet 8¾ inches. The superelevation at the point of derailment was 2⅛ inches. At the northernmost point where marks of derailment were found the curvature was 6°20′.

A diamond-shape speed restriction sign 26 inches long and 20 inches high, which bears the numerals "30" in 8-inch black figures on a yellow background, is located 3,040 feet north of the point of accident. Reflector buttons are provided in the numerals. This sign is approximately 7 feet above ground level and is mounted on a post about 25 feet west of the centerline of the southward main track.

This carrier's operating rules read in part as follows:

"110. * * *

"Speed restrictions shown in timetable, bulletin orders, by wayside signs, or by other means, must be strictly observed."

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[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Commissioner Clarke for consideration and disposition.

The maximum authorized speed for the train involved was 70 miles per hour, but it was restricted to 30 miles per hour on the curve on which the accident occurred.

DESCRIPTION OF ACCIDENT

No. 302, a southbound first-class passenger train, consisted of diesel-electric units 3818 and 3820, coupled in multiple-unit control, 1 baggage-mail car, 1 baggage car, 1 milk-tank car, 1 baggage car, 2 coaches, 1 sleeping car, and 1 buffet-sleeping car, in the order named. All cars were of conventional all-steel construction except the fifth car, which was of lightweight steel construction. This train passed tie plant, 1.74 miles north of the point of accident, at 5:50 a. m., 6 minutes late, according to the dispatcher's record of the movement of trains, and while it was moving at a speed of 70 miles per hour the locomotive and all cars of the train were derailed at a point 998 feet north of Nashua Union Station.

Separations occurred between the diesel-electric units and between all units of the train except the fifth and sixth cars. The first unit stopped upright with the front end several feet west of the southward main track and approximately 825 feet south of the point of derailment. The rear end of this unit stopped on the southward main track, which curves to the left at this point. The second diesel-electric unit stopped on its left side across the adjacent tracks. The front end of this unit was on the southward main track about 40 feet to the rear of the first unit, and the rear end was about 45 feet east of the southward main track. This unit and the first four cars were off their trucks. The first to the seventh cars, inclusive, overturned. The first car stopped upside down on the auxiliary track east of the siding. The second and fourth cars stopped on their east sides in diagonal positions across the northward main track and the siding. The third car stopped on its west side, to the east of the southward main track, in the angle formed by the second and fourth cars. The fifth, sixth, and seventh cars stopped on their east sides on the northward main track. The rear car stopped approximately in line with the southward main track with the rear end 85 feet south of the point of derailment. It leaned toward the east at an angle of approximately 15 degrees. The first diesel-electric unit and the rear car were somewhat damaged. The second diesel-electric unit and the other derailed cars were badly damaged. A baggage car on the siding and two freight cars on an adjacent auxiliary track east of the siding were struck and damaged by derailed equipment of No. 302.

Diesel-electric unit 3818 was the first unit of the locomotive. It is of the 0–6–6–0 type and is provided with a control compartment at the front end. The unit is 71 feet 1¼ inches in length over the pulling faces of the couplers. The trucks are of the swing-motion type. The wheelbase of each truck is 14 feet 1 inch, and the centers of the trucks are spaced 43 feet apart. The specified diameter of the wheels is 36 inches. The total weight of the unit is 322,436 pounds. The brake equipment is of the 24–RL type, with DS–24–H automatic brake valve and S–40–F independent brake valve. A safety control feature actuated by a foot pedal is provided. The regulatory devices are adjusted to maintain main-reservoir pressure of 130 pounds and brake-pipe pressure of 110 pounds. The center of gravity of the unit is 60½ inches above the level of the tops of the rails. Diesel-electric unit 3820, the rear unit of the locomotive, is similar in design and construction. The theoretical equilibrium, safe, and overturning speeds for these units moving on a 6°20′ curve having 2⅛ inches superelevation are, respectively, 22, 45, and 75 miles per hour.

The first two cars of the train were equipped with PC type control valves, and the other cars were equipped with UC type control valves. One of the two tanks on the milk car was loaded. The centers of gravity of the cars varied between a minimum of 55 inches and a maximum of 60 inches above the level of the tops of the rails. The theoretical equilibrium speed for this equipment was 22 miles per hour at the point where track curvature was 6°20′ and the superelevation was 2⅛ inches. Safe speeds for the equipment varied between 43 and 47 miles per hour, and overturning speeds were estimated at from 75 to 80 miles per hour.

The engineer, the fireman, the conductor, the flagman, the front brakeman, and the train baggageman were injured.

The weather was clear at the time of the accident, which occurred about 5:52 a. m.

DISCUSSION

As No. 302 was approaching the point where the accident occurred the speed was about 70 miles per hour, as indicated by the tape of the speed-recording device. The engineer and the fireman were maintaining a lookout ahead from the control compartment at the front of the locomotive. The conductor, the front brakeman, and the baggageman were in the baggage car, the fourth car of the train, and the flagman was in the rear car. The engineer said that he placed the brake valve in first service position when the locomotive was in the vicinity of a concrete base at the former location of a water column 5,183 feet north of the station, the usual point at which he began to reduce train speed to comply with the speed restriction on the curve south of the bridge and to make the stop at Nashua Union Station. He said that soon after he placed the brake valve in first service position the gage indicated that a brake-pipe reduction of about 9 pounds had been effected, but there was no reduction in the speed of the train. He then made a service brake-pipe reduction of about 10 pounds, and when this failed to reduce the speed he again placed the brake valve in service position. He estimated that there was an interval of about 4 or 5 seconds between the first and second reductions, and the third reduction was made about 3 seconds after the brake-valve exhaust caused by the second reduction had ceased. He did not think that the exhaust from the brake valve was normal. He said that about this time he began to sound the whistle signal for Bridge Street crossing, located 839 feet south of the bridge, but then became concerned because the brakes were ineffective, and he did not complete the signal. He said that he moved the brake valve to emergency position when the locomotive was entering the bridge and that about the same time the fireman called a warning. He thought that the emergency brake application was effective in reducing the speed of the train considerably before the locomotive became derailed. The fireman said that he and the engineer called all signal indications en route and that the grade-crossing whistle signal was sounded for a crossing in the vicinity of Tie Plant. He thought the engineer made the initial brake-pipe reduction before the locomotive passed the speed-restriction sign. When the speed was not reduced he became concerned and called a warning as the train was closely approaching the bridge. He said that the locomotive lurched violently toward the east as it entered the curve south of the bridge and then lurched violently in the opposite direction. He thought it became derailed before the speed was materially reduced by the emergency application of the brakes. The baggageman said that he felt a slight brake application which caused some retardation before the baggage car became derailed and overturned. The other members of the train crew said that the train had been riding smoothly and they did not feel any brake application before the accident occurred.

An assistant maintenance foreman said that No. 302 passed him as he was walking adjacent to the track in the vicinity of the crossing-whistle sign for Bridge Street crossing, approximately 500 feet north of the bridge. He said that the locomotice whistle was not sounded in the vincinity of the sign and that he did not observe any indication of braking action on the wheels of the train as it passed. The crossing watchman at Bridge Street said that he did not hear the whistle sounded as the train approached and that the train approached at unusually high speed. He observed sparks flying from the wheels of the diesel-electric units immediately before the derailment occurred, but he did not know whether the brakes were applied on the cars.

Examination of the track after the accident disclosed that the first mark on the track structure was a flange mark inside the east rail 281 feet south of the south end of the bridge. The east rail on the curve was canted outward beginning at a point about 320 feet south of the bridge. The rail at this point was bent, and the general derailment occurred approximately 75 feet southward. Apparently the train entered the curve at approximately overturning speed, and the sequence in which the equipment became derailed could not be determined. The southward main track was destroyed throughout a distance of approximately 490 feet, and the northward main track and adjacent auxiliary tracks in the immediate vicinity were damaged. The marks on the track structure north of the point of general derailment apparently were made by following car equipment.

Examination of the equipment of No. 302 after the accident occurred disclosed that all angle cocks in the train, with the exception of the angle cock from the front end of the third car, which was broken off and could not be located, were

in proper position for control of the brakes from the engineer's brake valve. No slid-flat spots or other indications of heavy braking were found on the wheels. Before any of the derailed equipment was moved the brake pipes of the locomotive units and the cars were tested for obstructions. Where the brake pipes were broken, each of the separated portions was tested. Compressed air at a pressure of approximately 80 pounds per square inch was used in these tests, and no obstruction to the normal flow of air was found in any of the brake pipes, air hose, or fitttings. All air hose and fittings, with the exception of the angle cock from the front end of the third car, were tested for internal defects or obstructions at the shops in Billerica, Mass., on November 26, 1954. No defective condition was found.

The brake control apparatus of diesel-electric unit 3818 was tested after this unit was moved to the shops at Billerica. In these tests the piping was so arranged that the main reservoir of the unit could be fully charged and breaks were plugged to permit the making of tests that would indicate the pressure developed, during brake-pipe reductions, in the two brake cylinders which remained intact after the accident. With the airbrake system properly charged, movement of the engineer's brake valve to first service position effected an initial brake-pipe reduction of approximately 8 pounds, after which brake-pipe pressure continued to reduce at the normal restricted rate. Brake-cylinder pressure began to build up after equalizing-reservoir and brake-pipe pressures had been reduced approximately 7 pounds. Brake-cylinder pressure of 54 pounds was obtained with a service brake-pipe reduction of 20 pounds. During these tests the brake valve functioned properly in all positions.

The investigation disclosed that on the day of the accident train No. 302 was assembled at White River Junction, Vt., 103.76 miles north of the point of accident. A terminal test of the airbrakes was made after the locomotive was coupled to the train. The car inspectors who inspected the train took no exception to the condition of any of the equipment. During this inspection the engineer made a brake-pipe leakage test and he took no exception to the rate of leakage in the train. The train departed from this point at 3:25 a. m., 5 minutes late. A running test of the brakes was made immediately after departure from this terminal, and stops were made at Lebanon, Franklin, Concord, Bow, and Manchester, N. H., located, respectively, 94.14, 52.83, 34,16, 32.14, and 16.52 miles north of the point of accident. In each instance the brakes functioned properly to control the speed of the train. This train departed from Manchester approximately 15 minutes before the accident occurred. The temperature at Canaan, N. H., 85.71 miles north of the point of accident, as reported to the train dispatcher at 12:01 a. m., was 32 degrees and it was 42 degrees at that point at 6 a. m. The minimum temperatures at other reporting points in this territory at the same hours were, respectively, 36° and 37°.

Examination of the tape of the speed-recording device disclosed that between Manchester and South Manchester, a distance of 1.74 miles, the speed of the train was first increased to 54 miles per hour and then reduced to about 28 miles per hour in compliance with a speed restriction at the latter point. The speed was then increased within a distance of approximately 4 miles to a maximum of 73 miles per hour, after which there was deceleration to about 70 miles per hour. Throughout a distance of approximately 10 miles immediately north of the point of accident an indicated speed of about 70 miles per hour was maintained and there was no appreciable reduction in the speed of the train before it entered the curve on which the accident occurred.

No conditions were found in any of the inspections or tests which would have caused the brakes of any of the equipment of this train to become inoperative. The brakes of the train were last used at South Manchester and they functioned properly to control the speed of the train. Under these circumstances, it appears that the speed of the train would have been properly controlled at the point of accident if braking action had been initiated a reasonable distance before reaching the point at which the speed restriction applied.

CAUSE

This accident was caused by excessive speed on a curve.

Dated at Washington, D. C., this 27th day of December 1954.

By the Commission, Commissioner Clarke.

[SEAL]

GEORGE W. LAIRD,
Secretary.

EXHIBIT III (d)

INTERSTATE COMMERCE COMMISSION

Report No. 3720

THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO. AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. IN RE ACCIDENT AT PRINCEVILLE, ILL., ON NOVEMBER 2, 1956

SUMMARY

Date: November 2, 1956.
Railroads: Atchison, Topeka & Santa Fe and Chicago, Rock Island & Pacific.
Location: Princeville, Ill.
Kind of accident: Side collision.
Trains involved: Freight and maintenance-of-way service train.
Train numbers: Extra 158 east and work extra 1268.
Locomotive numbers: Diesel-electric units 158, 158A, and 158B and diesel-electric unit 1268.
Consists: 93 cars, caboose; and 12 cars, caboose.
Speeds: 43 miles per hour and 1 to 2 miles per hour.
Operation: Interlocking.
Track: Double; tangent; 0.22 percent ascending grade eastward and single; tangent: 0.80 percent descending grade westward.
Weather: Clear.
Time: 9:47 a. m.
Casualties: Four injured.
Cause: Failure to operate Chicago, Rock Island & Pacific train in accordance with signal indications.

INTERSTATE COMMERCE COMMISSION

Report No. 3720

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910

THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO. AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

January 4, 1957

Accident at Princeville, Ill., on November 2, 1956, caused by failure to operate the Chicago, Rock Island & Pacific train in accordance with signal indications

REPORT OF THE COMMISSION [1]

TUGGLE, *Commissioner:*

On November 2, 1956, there was a side collision between a freight train on the Atchison, Topeka & Santa Fe Railway and a maintenance-of-way service train on the Chicago, Rock Island & Pacific Railroad at Princeville, Ill., which resulted in the injury of four train-service employees. This accident was investigated in conjunction with a representative of the Illinois Commerce Commission.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred at the intersection of the Atchison, Topeka & Santa Fe Railway and the Chicago, Rock Island & Pacific Railroad at Princeville, Ill. The accident occurred on that part of the Illinois Division of the A. T. & S. F. extending between Shopton, Iowa, and Chillicothe, Ill., 104.3 miles, and on that part of the Rock Island Division of the C. R. I. & P. extending between Peoria Jct. and Orion Jct., Ill., 71.5 miles. The intersection is 90.1 miles east of Shopton and 0.4 mile east of the A. T. & S. F. station at Princeville, and 19.3 miles west of Peoria Jct. and 0.6 mile east of the C. R. I. & P. station at Princeville. The lines intersect at an agle of 44°34'. West-bound C. R. I. & P. trains by timetable direction move toward the northwest by compass direction. Timetable directions are used in this report. In the vicinity of the point of accident the A. T. & S. F.

[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Commissioner Tuggle for consideration and disposition.

is a double-track line, over which trains moving in either direction on either track are operated by automatic cabsignal indications supplemented by an automatic train-control system. There are no wayside signals except at interlockings. From south to north the main tracks are designated as eastward main track and westward main track. The tracks are tangent throughout a distance of 3,844 feet immediately west of the point of accident and 644 feet eastward. The grade is 0.22 percent ascending eastward at the point of accident. In the vicinity of the point of accident the C. R. I. & P. is a single-track line, over which trains are operated by timetable and train orders. There is no block system in use. The track is tangent throughout a distance of over 2 miles immediately east of the point of accident and 1,062 feet westward. The grade for west-bound trains is, successively, an average of 0.61 percent descending 1,900 feet, level 400 feet, an average of 0.76 percent ascending 1,800 feet, level 200 feet, and an average of 0.62 percent descending 1,828 feet to the point of accident. It is 0.80 percent descending throughout a distance of 228 feet immediately east of the point of accident.

Movements over the crossing are governed by interlocking signals. Automatic signal 11, governing east-bound movements on the eastward main track of the A. T. & S. F., is located 669 feet west of the crossing. An inoperative approach signal and semiautomatic signal 28, governing west-bound movements on the C. R. I. & P., are located, respectively, 3,842 feet and 105 feet east of the crossing. The approach signal is of the one-arm semaphore type. The arm is fixed at an angle of 45° in the lower quadrant. Signals 11 and 28 are of the color-light type and are continuously lighted. The aspects applicable to this investigation and the corresponding indications and names are as follows—

Signal	Aspect	Indication	Name
11	Green	Proceed	Clear.
Approach signal	Diagonal	Proceed, immediately reducing to 30 MPH, or slower if necessary, prepared to stop before leading wheels pass the next signal.	Approach.
28	Red	Stop	Stop.

The signals governing A. T. & S. F. movements over the crossing normally indicate "Proceed" in the established direction of traffic. Signal 28 normally indicates "Stop." To make a westbound C. R. I. & P. movement through the interlocking, a member of the crew must push a button located in a box on the mast of signal 28. If no train is occupying the approach circuits or the tracks within interlocking limits on the A. T. & S. F., the indications of the signals governing A. T. & S. F. movements through the interlocking will then change to "Stop," and the indication of signal 28 will change to "Proceed."

The maximum authorized speed for the A. T. & S. F. train was 60 miles per hour. The maximum authorized speed for the C. R. I. & P. train was 30 miles per hour east of the crossing at Princeville and 20 miles per hour over the crossing.

DESCRIPTION OF ACCIDENT

Extra 158 east, an east-bound A. T. & S. F. freight train, consisted of diesel-electric units 158, 158A, and 158B, coupled in multiple-unit control, 93 cars, and a caboose. This train passed Monica, Ill., 4 miles west of the crossing at Princeville and the last open office, at 9:42 a. m. It passed signal 11, which indicated "Proceed," and while moving on the eastward main track at a speed of 43 miles per hour, as indicated by the tape of the speed-recording device, the 15th car was struck by work extra 1268 at the crossing at Princeville.

Work Extra 1268, a west-bound C. R. I. & P. maintenance-of-way service train, consisted of diesel-electric units 1268, 12 cars, and a caboose. This train departed from Peoria, 1.2 miles east of Peoria Junction and the last open office, at 8:50 a. m. It passed the approach signal east of Princeville, which indicated "Approach," passed signal 28, which indicated "Stop," and while moving at a speed of 1 or 2 miles per hour it struck the 15th car of extra 158 east.

Extra 158 east stopped with the locomotive approximately 2,600 feet east of the crossing. The 15th car was knocked off center but was not derailed. The 16th to the 43d cars, inclusive, were derailed and stopped in various positions on or near the tracks. The 34th to the 45th cars were somewhat damaged, and the other derailed cars were badly damaged. The locomotive of work extra

1268 was overturned and stopped on its right side in the southeast angle of the intersection. It was badly damaged. The front truck and the front wheels of the rear truck of the first car in this train were derailed, and the car was slightly damaged.

The conductor of extra 158 east, and the engineer, the fireman, and the front brakeman of work extra 1268 were injured.

The weather was clear at the time of the accident, which occurred at 9:47 a. m.

The locomotive of work extra 1268 was of the road-switcher type. It was equipped with 6-BL brake equipment. The regulatory devices were adjusted to maintain main reservoir pressure of 130 to 140 pounds and brake-pipe pressure of 80 pounds.

DISCUSSION

As extra 158 east was approaching the point where the accident occurred the enginemen and the front brakeman were in the control compartment at the front of the locomotive. The conductor and the flagman were in the caboose. The cab signal and signal 11 each indicated "Proceed." The engineer said that when his locomotive reached a point a short distance west of the crossing he saw work extra 1268 approaching. He said that the train was moving slowly and it appeared that it would stop short of the crossing.

At the time the accident occurred the train of work extra 1268 consisted of 12 carloads of gravel ballast and a caboose, 1,058 tons. The train originated at Peoria. Before departure from Peoria a brake test was made by observing that the brakes at the rear end of the train applied and released properly. A car-to-car inspection of the brakes of the entire train was not made. The engineer took no exception to the operation of the brakes as the train moved between Peoria and the approach signal east of Princeville. As this train was approaching Princeville the enginemen and the front brakeman were in the control compartment of the locomotive. The conductor and the flagman were in the cupola of the caboose. The enginere said he placed the throttle in idle position before the train passed the approach signal, and as the train was passing the signal he made a brake-pipe reduction of 8 to 10 pounds. He did not permit the brakes on the locomotive to apply. At this time the speed of the train was 26 miles per hour, as indicated by the speed-indicating device. A short time later he made a second brake-pipe reduction of 8 to 10 pounds. He said that the brake application did not appear to retard the speed properly, and he then increased the brake-pipe reduction to a total of 30 pounds and allowed the brakes of the locomotive to apply. As the train approached signal 28 he became concerned because it appeared that the train might not stop short of the signal, and he said that when the locomotive reached a point about 500 feet east of the signal he placed the brake valve in emergency position. He said that the locomotive passed the signal at a speed of 4 or 5 miles per hour and was about to stop when it struck the side of Extra 158 east. The fireman and the front brakeman said that until the locomotive was closely approaching signal 28 they took no exception to the manner in which the train was handled. When they became aware that the locomotive would not stop short of the signal they saw that the engineer had already placed the brake valve in emergency position. The conductor and the flagman said that the brakes were applied in the vicinity of the approach signal. They said that the speed was reduced from about 25 miles per hour to about 10 miles per hour, and that the brakes were then released. They said that the train continued to move at a speed of about 10 miles per hour, and until it was closely approaching signal 28 they thought that it would be stopped at the signal. The conductor said that when the locomotive was in the immediate vicinity of the signal he observed that the gage in the caboose indicated brake-pipe

pressure of 80 pounds. He then opened the conductor's valve. He said that there was an exhaust from the valve but he did not notice its length or intensity.

A trainmaster inspected the equipment of work extra 1268 a short time after the accident occurred and found the brakes applied on all units of the train. After the cars were removed to Peoria it was found that the piston travel on one of the cars and the caboose was 10½ inches, on 7 cars it was between 9 and 10 inches, and on the other cars it was between 7 and 9 inches. The locomotive was removed to the shops at Peoria, broken pipes in the airbrake system were plugged, and the main reservoir pipe was charged from an outside source. It was found that the controlling apparatus of the airbrake system functioned properly.

At the time the accident occurred the engineer of work extra 1268 had had approximately 8 months' experience as an engineer, and he was making his first trip as an engineer over the line on which the accident occurred. He has previously worked in this territory as a fireman, but he had not made a trip over this line during a period of about 10 years. The fireman had been employed in this capacity during a period of approximately 4 months, and neither he nor the front brakeman had made a sufficient number of trips over this line to become thoroughly familiar with the physical characteristics.

CAUSE

This accident was caused by failure to operate the Chicago, Rock Island & Pacific train in accordance with signal indications.

Dated at Washington, D. C., this 4th day of January 1957.

By the Commission, Commissioner Tuggle.

HAROLD D. MCCOY, *Secretary.*

EXHIBIT III (e)

INTERSTATE COMMERCE COMMISSION

Report No. 3625

WESTERN MARYLAND RAILWAY CO. IN RE ACCIDENT NEAR PINESBURG, MD., ON APRIL 25, 1955

SUMMARY

Date: April 25, 1955.
Railroad: Western Maryland.
Location: Pinesburg, Md.
Kind of accident: Rear-end collision.
Trains involved: Freight and Freight.
Train numbers: Extra 239 east and B. & O. Extra 948 east.
Engine numbers: Diesel-electric units 239A and 59A and Diesel-electric units 948 and 182X.
Consists: 54 cars, caboose and 76 cars, caboose.
Speeds: Standing and 20 miles per hour.
Operation: Train movements with current of traffic by signal indications; movements against current of traffic by train orders.
Tracks: Double; 3° curve; 0.586 percent descending grade eastward.
Weather: Raining.
Time: 1:02 a. m.
Casualties: 3 injured.
Cause: Failure to provide adequate protection for preceding train.
Recommendation: That the Western Maryland Railway Co. install an adequate block system for movements against the current of traffic in the territory in which this accident occurred.

INTERSTATE COMMERCE COMMISSION

Report No. 3625

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910

WESTERN MARYLAND RAILWAY COMPANY

May 27, 1955

Accident near Pinesburg, Md., on April 25, 1955, caused by failure to provide adequate protection for the preceding train

REPORT OF THE COMMISSION [1]

CLARKE, *Commissioner:*

On April 25, 1955, there was a rear-end collision between 2 freight trains on the Western Maryland Railway near Pinesburg, Md., which resulted in the injury of 3 employees.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred on that part of the Hagerstown Division extending between Cumberland and Hagerstown, Md., 79 miles. In the vicinity of the point of accident this is a double-track line, over which trains moving with the current of traffic are operated by signal indications. Trains moving against the current of traffic are operated by train orders. At Big Pool Junction, 60.8 miles east of Cumberland, this line forms a junction with a single-track line which extends westward 2.1 miles to a connection with a line of the Baltimore & Ohio Railroad at Miller, W. Va. Trains of the Baltimore & Ohio Railroad regularly are operated over that portion of the Western Maryland Railway extending between Miller and Hagerstown, via Big Pool Junction. At Pinesburg, 70.5 miles east of Cumberland, a facing-point crossover connects the two main tracks. The accident occurred on the westward main track at a point 70.9 miles east of Cumberland and 1,904 feet east of the west crossover-switch at Pinesburg. From the west on the westward track there are, in succession, a tangent 1,600 feet in length, a 3° curve to the left 428 feet, a tangent 881 feet, a compound curve to the left, having a maximum curvature of 6°14′, 971 feet, a tangent 377 feet and a 3° curve to the right 8 feet to the point of accident and 498 feet eastward. Throughout a distance of more than 1 mile immediately west of the point of accident the grade for eastbound trains varies between 0.165 percent and 0.763 percent descending and averages 0.47 percent descending. At the point of accident the grade is 0.586 percent descending eastward.

Between points approximately 1,260 feet and 700 feet west of the crossover at Pinesburg the main tracks are laid in a cut the walls of which rise to a height of about 10 feet above the level of the tracks. On the curve east of Pinesburg the tracks are laid in a rock cut the west end of which is approximately 500 feet east of the crossover. The north wall of this cut rises to a height of approximately 60 feet above the tracks. Between this cut and the point of accident the tracks are laid in a side-hill cut, and embankments and outcroppings of rock closely parallel the westward track on the north.

This carrier's operating rules read in part as follows:

"35. The following signals will be used by flagmen:

* * * * * * *

Night signals: A red light, torpedoes and fusees.

"91. Unless some form of block system is used, trains in the same direction must keep not less than 5 minutes apart, except in closing up at stations. * * *

"99. When a train stops under circumstances in which it may be overtaken by another train, the flagman must go back immediately with flagman's signals a sufficient distance to insure full protection, placing two torpedoes, and when necessary, in addition, displaying lighted fusees. * * *"

* * * * * * *

The maximum authorized speed for freight trains is 40 miles per hour, but it is restricted to 30 miles per hour on the curve east of Pinesburg.

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[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Commissioner Clarke for consideration and disposition.

DESCRIPTION OF ACCIDENT

Extra 239 east, an eastbound Western Maryland freight train, consisted of diesel-electric units 239A and 59A, coupled in multiple-unit control, 54 cars, and a caboose. At Big Pool Junction, 10.1 miles west of the point of accident and the last open office, members of the crew received, among others, copies of train order No. 428 reading in part as follows:

"Extra 239 east and B. & O. extra 948 east have right over opposing trains on westward track Big Pool Junction to Williamsport east end." * * *

* * * * * * *

and the message containing the information that extra 60 east left Big Pool Junction at 11:47 p. m. Williamsport is 12.1 miles east of Big Pool Junction. This train was diverted to the westward track and departed from Big Pool Junction at 11:56 p. m. It stopped behind extra 60 east about 12:20 a. m., with the rear end at a point on the westward track 1,904 feet east of the west crossover-switch at Pinesburg. About 40 minutes later the rear end was struck by B. & O. extra 948 east.

B. & O. extra 948 east, an eastbound freight train, consisted of diesel-electric units 948 and 182X, coupled in multiple-unit control, 76 cars, and a caboose. This train was routed to the Western Maryland line at Miller at 12:36 a. m. At Big Pool Junction copies of train order No. 428 were delivered to members of the crew and the train was diverted to the westward track. It departed from this point at 12:41 a. m., and while moving at a speed of 20 miles per hour it struck the rear end of extra 239 east.

The caboose and the rear four cars of extra 239 east were derailed and stopped in various positions on or near the track. The caboose and the rear two cars were badly damaged. The third and fourth rear cars were somewhat damaged. The locomotive and the first two cars of B. & O. extra 948 east were derailed. Separations occurred between the diesel-electric units and at each end of the first car. The first diesel-electric unit stopped with the front end 77 feet east of the point of collision, on the north side of the westward track and parallel to it. This unit was overturned to the left against the embankment north of the track. The second diesel-electric unit stopped on its right side at an angle of about 40 degrees to the track with the front end elevated on the embankment about 30 feet north of the track and the rear end across the rails of the eastward track. The derailed cars stopped in various positions on or near the track. The diesel-electric units were badly damaged. The first car was somewhat damaged and the second car was slightly damaged. Inflammable material in the wreckage became ignited and the caboose of extra 239 east and the first diesel-electric unit of B. & O. extra 948 east which were damaged by the collision were further damaged by fire.

The engineer, the fireman, and the front brakeman of B. & O. extra 948 east were injured.

It was raining at the time of the accident, which occurred about 1:02 a. m.

The diesel-electric units of the locomative of B. & O. extra 948 east were equipped with 24-RL brake equipment. A safety-control feature actuated by a foot pedal was provided.

DISCUSSION

B. & O. extra 930 east, an eastbound freight train consisting of a 3-unit diesel-electric locomotive, 150 cars, and a caboose, departed from Big Pool Jct. on the eastward track at 10:23 p. m., April 24, 1956. Because of the number of cars in this train it could not clear the eastward track at Williamsport. In accordance with instructions previously issued to the crew it was stopped on the eastward track west of the highway crossing at Pinesburg about 10:45 p. m., with the front end of the locomotive approximately 360 feet west of the crossover. Following eastbound freight trains which it was intended would pass it were operated against the current of traffic on the westward track between Big Pool Jct. and Williamsport and departed from Big Pool Jct. as follows: B. & O. extra 246 east at 10:44 p. m., extra 60 east at 11:47 p. m., extra 239 east at 11:56 p. m., and B. & O. extra 948 east at 12:41 a. m. B. & O. extra 246 east passed Williamsport at 11:07 p. m. Extra 60 east stopped within yard limits at that point and the following train stopped behind it.

When extra 238 east stopped behind extra 60 east at Williamsport about 12:20 a. m., the flagman was in the caboose and the other members of the crew were on the locomotive. The front end of this train was within yard limits

and the rear end was at a point 3,375 feet west of the west yard-limit sign. The marker lamps at the rear of the caboose were lighted and displayed yellow to the rear on the side next to the eastward track and red to the rear on the opposite side. Immediately after the train stopped the flagman proceeded westward with flagman's signals, in addition to his white light, and stopped in the vicinity of the east crossover-switch at Pinesburg, 1,643 feet west of the point at which the caboose stopped. He said that he placed one torpedo on the rail at this point but later removed it and proceeded between the tracks to the vicinity of the west crossover-switch, 1,904 feet west of the rear end of his train. He thought this was sufficient distance to provide protection for his train but did not place torpedoes. When he observed the reflection of the headlight of an approaching train he lighted a red fusee and gave stop signals as the headlight came into view on the westward track approximately 800 feet west of the crossover. After his signals were acknowledged by the engineer he extinguished the fusee and proceeded to the north side of the westward track. He said he observed that the brakes on the cars of this train were not heavily applied as they passed the point where was was standing and he did not think that an emergency application was made before the collision occurred.

As B. & O. extra 948 east was approaching the point where the accident occurred the enginemen and the front brakeman were maintaining a lookout ahead from the control compartment at the front of the locomotive. The conductor and the flagman were in the caboose. The headlight was lighted brightly. The brakes of this train had been tested and had functioned properly when used en route. The dynamic brake was applied. The engineer sounded the against-current-of-traffic and the grade-crossing whistle signals as the train was approaching Pinesburg and was completing the final blast of the latter signal when he observed stop signals being given with a lighted red fusee in the vicinity of the crossover. The other members of the crew on the locomotive simultaneously called a warning. The engineer said that he immediately acknowledged the signals and the flagman extinguished the fusee. He said that he previously had made a brake-pipe reduction of 6 to 8 pounds in first-service position to reduce speed in compliance with the restriction on the curve east of Pinesburg and that he made an additional 6- to 8-pound brake-pipe reduction in service position in the vicinity of the west crossover-switch. When the speed was not materially reduced before the locomotive passed the flagman he became concerned. He said that he moved the brake valve to emergency position at a point about 250 feet east of the crossover and then opened the sander valves, released the pedal of the safety-control feature and applied the independent brake. He thought the sanders previously had become obstructed because they had not functioned when the locomotive slipped en route. He said that the speed of the train was reduced to about 25 miles per hour before he left the control compartment. The front brakeman said that the brakes were applied in emergency when the locomotive entered the cut approximately 500 feet east of the crossover. The fireman and the front brakeman left the control compartment and entered the engine compartment before the accident occurred. The engineer jumped off the locomotive approximately 200 feet west of the point of collision. The conductor and the flagman said that they were preparing to detach the caboose from the train at the time the brakes became applied in emergency. The conductor said that the emergency application was made about 18 to 20 seconds before the collision occurred.

Members of the crew on the locomotive of B. & O. extra 930 east, which was stopped on the eastward track west of the highway crossing at Pinesburg, said that they observed the flagman of extra 239 east remain in the vicinity of the crossover for a period of approximately 30 minutes. Immediately after the accident occurred the engineer and the front brakeman of this train proceeded to the north side of the westward track and found the unburned portion of a fusee at a point 5 or 6 feet west of the resume-speed sign, which is located 1,713 feet west of the point of accident. They said they were certain this was the fusee used by the flagman because it bore no indications of long exposure to the rain which had been falling intermittently for several hours and no other fusees had been thrown off from passing trains during the period their train had been standing in this vicinity.

After the accident occurred, the brakes of the rear 74 cars and the caboose of B. & O. extra 948 east were tested. The brakes of two cars were found to be inoperative because of broken pipes. Brake-cylinder piston travel in excess of 9 inches was found on 15 other cars.

Examination of the tape of the speed-recording device of the locomotive of B. & O. extra 948 east indicates that this train was moving at a speed of 35 miles per hour when the brake application became effective and that the speed was reduced to about 20 miles per hour at the point of collision. In tests made under conditions of visibility similar to those which prevailed at the time of the accident, it was disclosed that because of track curvature and the walls of a cut, the view of a flagman's night signals from the engineer's position in the control compartment of an eastbound locomotive approaching the crossover at Pinesburg on the westward track is restricted to a distance of about 800 feet. Under these circumstances it appears that the distance from which flagging signals were given in the instant case was not sufficient to provide full protection, as required by the rules.

The investigation disclosed that during the 30-day period preceding the day of the accident 17 trains were operated against the current of traffic in this territory. The book of operating rules of this carrier contains manual-block rules and these rules are in effect in adjacent singletrack territory. With open train order offices located at convenient points and personnel already familiar with operation under these rules, the application of manual-block rules to cover movements against the current of traffic in this territory would provide immediate, additional protection. If an adequate block system had been in use for such movements the following train would have received definite information that the block in which it was moving was occupied by a preceding train.

CAUSE

This accident was caused by failure to provide adequate protection for the preceding train.

RECOMMENDATION

It is recommended that the Western Maryland Railway Co. install an adequate block system for movements against the current of traffic in the territory in which this accident occurred.

Dated at Washington, D. C., this 27th day of May 1955.

By the Commission, Commissioner Clarke.

[SEAL] HAROLD D. MCCOY, *Secretary.*

EXHIBIT III (f)

INTERSTATE COMMERCE COMMISSION, WASHINGTON

Report No. 3537

CHICAGO, BURLINGTON & QUINCY RAILROAD CO., AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO., IN RE ACCIDENT AT FAIRFIELD, IOWA., ON OCTOBER 5, 1953

SUMMARY

Date: October 5, 1953.
Railroads: Chicago, Burlington & Quincy, and Chicago, Rock Island & Pacific.
Location: Fairfield, Iowa.
Kind of accident: Side collision.
Trains involved: Freight and passenger.
Train numbers: Extra 5631 east and 3.
Engine numbers: 5631 and 5601 and diesel-electric units 647 and 634B.
Consists: 41 cars, 2 cabooses, and 10 cars.
Estimated speeds: 20 miles per hour and 20 miles per hour.
Operation: Interlocking.
Tracks: Double; tangent; practically level; and single; tangent; 0.45 percent descending grade westward.
Weather: Clear.
Time: 6:20 p. m.
Casualties: 5 injured.
Cause: Failure to operate Chicago, Rock Island & Pacific train in accordance with signal indications.

INTERSTATE COMMERCE COMMISSION

Report No. 3537

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910

CHICAGO, BURLINGTON & QUINCY RAILROAD CO., AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

November 23, 1953

Accident at Fairfield, Iowa, on October 5, 1953, caused by failure to operate the Chicago, Rock Island & Pacific train in accordance with signal indications

REPORT OF THE COMMISSION[1]

CLARKE, *Commissioner:*

On October 5, 1953, there was a side collision between a freight train on the Chicago, Burlington & Quincy Railroad and a passenger train on the Chicago, Rock Island & Pacific Railroad at Fairfield, Iowa, which resulted in the injury of 3 passengers and 2 train-service employees. This accident was investigated in conjunction with a representative of the Iowa State Commerce Commission.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred at the intersection of the Chicago, Burlington & Quincy Railroad, hereinafter referred to as the C. B. & Q., and the Chicago, Rock Island & Pacific Railroad, hereinafter referred to as the C. R. I. & P., at Fairfield, Iowa. The crossing is located on that part of the Ottumwa and Creston divisions of the C. B. & Q. extending between Ottumwa, Iowa, and Galesburg, Ill., 117.39 miles, and on that part of the Rock Island division of the C. R. I. & P. extending between Rock Island, Ill., and Eldon Yard, Iowa, 106.7 miles. The crossing is 23.92 miles east of Ottumwa and 0.47 mile west of the C. B. & Q. station at Fairfield, and 90 miles west of Rock Island and 1,466 feet east of the C. R. I. & P. station at Fairfield. In the vicinity of the crossing the C. B. & Q. extends east and west and the C. R. I. & P. extends north and south. Timetable directions on both lines are east and west, and these directions are used in this report. The lines intersect at an angle of 83° 38′. An interlocking station is located in the northwest angle of the intersection. In the vicinity of the point of accident the C. B. & Q. is a double-track line, over which trains are operated by signal indications. The main tracks from north to south are designated as westward main track and eastward main track. A siding which extends over the crossing parallels the westward main track on the north in the immediate vicinity of the point of accident. From the west the main tracks are tangent throughout a distance of 1.84 miles to the crossing and 1.06 miles eastward. The grade for eastbound trains on the eastward main track varies between 0.68 percent and 0.037 percent, ascending throughout a considerable distance immediately west of the crossing. At the crossing the grade is practically level. In the vicinity of the point of accident the C. R. I. & P. is a single-track line, over which trains are operated by signal indications. From the east there are, in succession, a tangent over 2 miles in length, a 1° 20′ curve to the left 3,904 feet, and a tangent 1,247 feet to the point of accident and a considerable distance westward. Throughout a distance of 1.72 miles immediately east of the point of accident the grade for westbound trains varies between 0.52 percent descending and 0.53 percent ascending. At the point of accident the grade is 0.46 percent descending.

Movements over the crossing are governed by interlocking signals. Automatic signal S–258.0 and semiautomatic signal 36–37, governing eastbound movements on the C. B. & Q. eastward main track, are located, respectively, 2.13 miles and 434 feet west of the crossing. Signal S–258.0 is of the searchlight type and displays 3 aspects. Signal 36–37 is of the 2-unit searchlight type and displays 4 aspects. Both signals are continuously lighted.

[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Commissioner Clarke for consideration and disposition.

Automatic signal AR 102 and semiautomatic signal 39–40, governing westbound movements on the C. R. I. & P., are located, respectively, 1.72 miles and 402 feet east of the crossing. Signal AR 102 is of the 2-unit searchlight type and displays 3 aspects. Signal 39–40 is of the 2-unit color-light type and displays 4 aspects. These signals are continuously lighted. The aspects applicable to this investigation and the corresponding indications and names are as follows:

Signal	Aspect	Indication	Name
S–258.0	Yellow	Approach next signal prepared to stop	Approach.
36–37	Green over red	Proceed	Clear.
AR 102	Yellow over red	Proceed, immediately reducing to 30 miles per hour, or slower if necessary, prepared to stop before leading wheels pass the next signal.	Approach.
39–40	Red over red	Stop	Stop.

The circuits and the mechanical locking are so arranged that, when the route is lined for a C. B. & Q. train to move over the crossing, signal AR 102 indicates "Approach" and signal 39–40 indicates "Stop." Indicators are provided in the interlocking station to indicate when an eastbound C. B. & Q. train enters the approach circuit at a point 3.82 miles west of the crossing and when a westbound C. R. I. & P. train enters the approach circuit at a point 2.75 miles east of the crossing. A switchpoint derail is located on the C. R. I. & P. track 375 feet east of the centerline of the C. B. & Q. eastward main track.

Operating rules of the C. R. I. & P. read in part as follows:

"34. CALLING OF SIGNALS.—All members of the engine and train crews must, when practicable, communicate to each other by its name the indication of each signal affecting the movement of their train or engine.

"111. * * *

"When * * * passing over railroad crossings * * * and other places where safety requires, conductors and brakemen must, when practicable, station themselves where they can observe and transmit signals and assist in stopping train, if necessary.

* * * * * * *

"327. WHERE STOP MUST BE MADE.—A train or engine must stop before the leading wheels pass a "Stop" * * * indication. * * *"

Rules and instructions governing employees in the operation of train airbrakes and air signal read in part as follows:

"43. EMERGENCY STOPS.—In an emergency, where life or property is in danger, move the brake valve quickly to emergency position and leave it there until the train stops. * * *"

The maximum authorized speeds for the trains involved in this accident were 50 miles per hour for the C. B. & Q. train and 79 miles per hour for the C. R. I. & P. train, restricted at the crossing to 20 miles per hour and 45 miles per hour, respectively.

DESCRIPTION OF ACCIDENT

Extra 5631 east, an eastbound C. B. & Q. freight train, consisted of steam locomotives 5631 and 5601, 41 cars, and 2 cabooses. This train departed from Ottumwa, 23.92 miles west of the point of accident and the last open office, at 5:50 p. m., passed signal S–258.0, which indicated "Approach," passed signal 36–37, which indicated "Proceed," and while it was moving over the crossing at an estimated speed of 20 miles per hour the 20th car was struck by C. R. I. & P. No. 3.

No. 3, a westbound first-class C. R. I. & P. passenger train, consisted of diesel-electric units 647 and 634B, coupled in multiple-unit control, 1 baggage car, 1 baggage-mail car, 1 dormitory car, 2 coaches, 1 cafe-lounge car, 1 dining car, 1 lounge car, and 2 sleeping cars, in the order named. The first three cars were of conventional all-steel construction, and the other cars were of lightweight steel construction. The locomotive units and all cars of the train were equipped with tight-lock couplers. This train passed the west siding switch at Otero, 1.65 miles east of the point of accident, about 6:18 p. m., 6 minutes late, passed signal AR 102, which indicated "Approach," and passed signal 39–40, which indicated "Stop." The locomotive, the first three cars, and the front truck of the fourth car were derailed at the derail east of the crossing.

The derailed equipment continued in line with the track, and while moving at a speed of about 20 miles per hour it struck the 20th car of extra 5631 east.

The 19th to the 27th cars, inclusive, of extra 5631 east were derailed. The 19th car stopped upright and in a diagonal position across the eastward main track, with the front end about 345 feet east of the crossing. The other derailed cars stopped in various positions on or near the eastward main track, with the rear derailed car off its trucks on the crossing. The derailed equipment obstructed the westward main track. The 19th, 26th, and 27th cars were somewhat damaged, and the other derailed cars of this train were badly damaged.

A separation occurred between the diesel-electric units of No. 3. Th first diesel-electric unit stopped upright and in a diagonal position, with the front end on the C. B. & Q. westward main track and at a point about 92 feet east of the crossing, and the rear end of the unit on the siding and about 30 feet east of the centerline of the C. R. I. & P. track at the crossing. The front truck of this unit was displaced and stopped adjacent to the south rail of the C. B. & Q. eastward main track and approximately 165 feet east of the crossing. The second diesel-electric unit and the derailed cars of this train stopped in line with the track. The first diesel-electric unit was considerably damaged, the second diesel-electric unit was somewhat damaged, and the first three cars were slightly damaged.

The engineer and the fireman of No. 3 were injured.

The weather was clear and it was dark at the time of the accident, which occurred about 6:20 p. m.

The locomotive units and all cars of the train of No. 3 were provided with equipment for electro-pneumatic operation of the brakes. The brake equipment of diesel-electric unit 647 was of the 24–RL type with DSE 24–H automatic brake valve and S–40–D type independent brake valve. The regulatory devices were adjusted to maintain main reservoir pressure of 140 pounds and brake-pipe pressure of 110 pounds. A spring-loaded shifter lever is provided on the automatic brake valve to change the functioning of the valve, as desired, between conventional automatic operation and electro-pneumatic operation. This shifter lever can be moved from one position to the other only when the handle of the brake valve is in automatic running position or in electro-pneumatic release position. An emergency application of the brakes may be obtained at any time by the movement of the brake valve handle to the extreme right on its quadrant. Automatic sanding of the rails during an emergency application of the brakes is provided. This unit is equipped with a safety-control feature actuated by a foot pedal. An emergency valve connected to the brake pipe is located adjacent to the fireman's seat in the control compartment. The unit is equipped with an oscillating red headlight, the controls of which are so arranged that it will be displayed and the conventional headlight will be extinguished by an emergency application of the brakes.

DISCUSSION

Approximately 7 to 9 minutes before the accident occurred the operator lined the route of the interlocking for the movement of extra 5631 east over the crossing at Fairfield. This train was moving over the crossing at a speed of about 20 miles per hour when the 20th car was struck by No. 3. When the operator first observed No. 3 approaching, the locomotive was about 150 feet east of the derail. The oscillating red headlight of the locomotive was lighted and this indicated that the brakes were applied in emergency. The operator left the interlocking station before the collision occurred.

As No. 3 was approaching the point where the accident occurred the speed was about 70 miles per hour, as indicated by the speed indicator of the locomotive. The headlight was lighted brightly and the oscillating white headlight was lighted. The brakes of this train had been tested in conventional automatic service and in electropneumatic operation and had functioned properly in each, and also when used en route. The shifter lever of the automatic brake valve was in position for electropneumatic operation of the brakes. The engineer and the fireman were maintaining a lookout ahead from the control compartment at the front of the locomotive. The conductor and the brakeman were in the vestibule at the front end of the fourth car and the flagman was in the vestibule at the front end of the rear car. Signal AR 102 indicated Approach, and the indication was called by the enginemen. The engineer said that he made a brake application when his locomotive was about 1,300 feet east of the signal, and that this application was not released. The speed of the train was reduced to about

60 miles per hour, and he then became concerned because the rate of deceleration did not seem normal. He then made a full application of the brakes and observed that the gage indicated about 60 pounds brake-cylinder pressure. He said that there was no appreciable reduction in speed and soon afterward there was a run-in of slack (which apparently resulted from an undesired release of the brakes. Simultaneously the fireman called the Stop indication of Signal 39–40. The engineer said that he immediately warned the fireman and then moved the brake valve to emergency position, released the foot pedal of the safety-control feature, and applied the independent brake. He estimated that the speed was reduced to about 20 miles per hour by the derailment of the locomotive immediately before the collision occurred. The fireman said that he opened the emergency valve at approximately the same time that the engineer moved the brake valve to emergency position. He thought the exhaust from the brake pipe was less than normal. He said that the emergency application was not effective in reducing the speed of the train. He alighted from the locomotive in the vicinity of the derail. The conductor and the brakeman said that the speed of the train was reduced in the vicinity of signal AR 102 by a brake application and later the brakes were released. The brakeman said that as the train was moving on the curve east of the crossing he looked forward from the vestibule on the south side of the car and observed that the white headlight of the locomotive was lighted and also that signal 39–40 indicated Stop. He called the indication to the conductor. A few seconds later the brakes were applied in emergency. The conductor and the brakeman said that because there was no conductor's valve in the front vestibule of the fourth car they were unable to take immediate action to stop the train. The flagman said that the brakes were applied in emergency while he was inspecting the train from the vestibule at the front end of the rear car. He immediately turned on the oscillating signal light at the rear of the train and threw off a lighted fusee. After the collision occurred he proceeded eastward to provide rear-end protection; he did not observe whether the brakes of the rear car were applied.

Examination of the first diesel-electric unit after the accident disclosed that the automatic brake valve was in lap position, the independent brake valve in release position, the throttle in idle position, the shifter lever in position for automatic operation of the brakes, and the emergency valve adjacent to the fireman's seat was in closed position. The angle cock at the rear of the unit was open. The jumper connection was missing from the receptacle of the electrical conduit at the rear of the unit. The angle cocks were open and all electrical connections were in place on the second diesel-electric unit and the derailed cars. The brakes of these units of the train were found applied when inspected by a member of the mechanical force of the carrier about 4 hours 45 minutes after the accident occurred. There were no slid-flat spots on the wheels of the diesel-electric units or the derailed cars. The brakes of the second diesel-electric unit and the derailed cars functioned properly when tested before removal from the scene of the accident. The cars which were not derailed in the accident had been dispatched westward prior to the time the inspection and tests were made.

The air-brake controlling apparatus of diesel-electric unit 647 was tested at Silvis, Ill., shops after the accident. Broken airbrake pipes were plugged, the reservoir and brake system were charged from an outside source, and the electrical brake control circuits were energized. The brakes functioned as intended in all tests of the brake valve in both automatic and electropneumatic operation. The emergency valve and the safety-control feature functioned properly when tested, and no defective condition was found in any of the controlling apparatus. The air hose at the rear of the first diesel-electric unit and at both ends of the second diesel-electric unit were removed and examined. No defective condition of the hose was found.

The brakes of this train had functioned properly in electropneumatic operation and had been used to control the speed of the train between Rock Island and Otero. In the vicinity of signal AR 102 east of the crossing at Fairfield a brake application reduced the speed of the train from about 70 miles per hour to about 55 miles per hour. According to the statement of the engineer, an undesired release of the brakes then occurred. An emergency application of the brakes became effective when the train was closely approaching signal 39–40, and the speed was reduced to about 20 miles per hour at the point of collision.

The rules of the C. R. I. & P. require that when a train passes a signal which indicates Approach the speed of the train must be reduced immediately to not exceeding 30 miles per hour and must be so controlled that the train can be stopped short of the next signal. The locomotive of this train was equipped with

a dual-purpose brake valve for automatic or electropneumatic operation of the brakes with provision for immediate emergency application available at all times. Apparently, after it was found that the speed of the train was not being properly controlled with the brakes in electropneumatic operation further action was not taken in time to stop the train short of signal 39–40.

CAUSE

This accident was caused by failure to operate the C. R. I. & P. train in accordance with signal indications.

Dated at Washington, D. C., this 23d day of November, 1953.

By the Commission, Commissioner Clarke.

GEORGE W. LAIRD, *Secretary.*

EXHIBIT III (g)

INTERSTATE COMMERCE COMMISSION

Report No. 3568

THE NEW YORK CENTRAL RAILROAD COMPANY IN RE ACCIDENT NEAR POST, IND., ON JANUARY 15, 1954

SUMMARY

Date: January 15, 1954.
Railroad: New York Central.
Location: Post, Ind.
Kind of accident: Collision between two portions of train.
Train involved: Passenger.
Train number: 24.
Engine number: Diesel-electric units 4043 and 4105.
Consist: 14 cars.
Speed: Undetermined.
Operation: Signal indications.
Tracks: Double; tangent; 0.29 percent descending grade eastward.
Weather: Misting.
Time: 6:48 p. m.
Casualties: 5 injured.
Cause: Insufficient braking effort on rear car to stop car short of forward portion of train after train became separated.

INTERSTATE COMMERCE COMMISSION

Report No. 3568

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910

THE NEW YORK CENTRAL RAILROAD CO.

June 9, 1954

Accident near Post, Ind., on January 15, 1954, caused by insufficient braking effort on rear car to stop car short of forward portion of train after train became separated.

REPORT OF THE COMMISSION [1]

CLARKE, *Commissioner:*

On January 15, 1954, there was a collision between 2 portions of a passenger train on the New York Central Railroad near Post, Ind., which resulted in the injury of 1 passenger, 3 dining-car employees, and 1 train-service employee. This accident was investigated in conjunction with a representative of the Indiana Public Service Commission.

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[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Commissioner Clarke for consideration and disposition.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred on that part of the Ohio division extending between Indianapolis, Ind., and Bellefontaine, Ohio, 143.0 miles. In the vicinity of the point of accident this is a double-track line, over which trains moving with the current of traffic are operated by signal indications. At Post, Ind., 11.1 miles east of Indianapolis, an auxiliary track 1.05 miles in length, designated as track No. 200, parallels the eastward main track on the south. The accident occurred on the eastward main track at a point approximately 12.5 miles east of Indianapolis and several hundred feet east of the east switch of track No. 200 at Post. In the vicinity of the point of accident the main tracks are tangent. Throughout a distance of 3,000 feet immediately east of the east switch of track No. 200 the grade averages 0.29 percent descending eastward.

The maximum authorized speed for passenger trains is 75 miles per hour.

DESCRIPTION OF ACCIDENT

No. 24, an eastbound first-class passenger train, consisted of diesel-electric units 4043 and 4105, coupled in multiple-unit control, 4 express-refrigerator cars, 1 mail-baggage car, 1 passenger-baggage car, 2 coaches, 1 sleeping car, 1 lounge-sleeping car, 2 sleeping cars, 1 dining car, and 1 dormitory car, in the order named. The first 4 cars were of steel underframe construction, the 5th, 11th, and 14th cars were of conventional all-steel construction, and the other cars were of lightweight steel construction. The 6th to the 10th cars, inclusive, and the 12th and 13th cars were equipped with tightlock couplers. This train departed from Indianapolis at 6:27 p. m., 7 minutes late, passed Eastwood, approximately 6.5 miles west of the point of accident and the last open office, at 6:42 p. m., 8 minutes late, and while it was moving on the eastward main track at a speed of about 79 miles per hour the rear car became detached from the forward portion of the train at a point several hundred feet east of the east switch of track No. 200 at Post. Although the separation resulted in the parting of the air hose and an emergency application of the brakes, the brakes of the rear car were not effective in bringing the car to a stop before it collided with the forward portion of the train. The train stopped with the rear end approximately 2,950 feet east of the east switch of track No. 200. No equipment was derailed. The 13th car was slightly damaged by the force of the impact.

The flagman was injured.

It was misting at the time of the accident, which occurred about 6:48 p. m.

The 14th car, NYC 2796, was formerly a parlor car. It was rebuilt for use as a dormitory car at the Beach Grove Shops, Indianapolis, Ind., during October 1952. It is 83 feet 6 inches long over the buffers and has two 6-wheel trucks. It is provided with a type-D coupler at the A end, which was coupled to the 13th car, and a type-E coupler at the B end. These couplers are provided with bottom-operating coupler release rigging. Uncoupling attachments are provided on each side at each end of the car. The center portion of each uncoupling attachment is bent outward sufficiently to engage the lock lift mechanism when it is raised. The car is equipped with UCB-type airbrake equipment with a single body-mounted brake cylinder. The carrier's rules require that the brake-cylinder piston travel be adjusted to from 7 to 8 inches. The airbrake equipment of this car was last cleaned and tested on September 2, 1952. The total weight of the car is 176,300 pounds, and the braking ratio is approximately 91 percent. The car was equipped with insulated flexible metallic steam conduits for train heating.

DISCUSSION

When No. 24 arrived at Indianapolis on the day of the accident a yard locomotive removed the rear two cars of the train, then returned with NYC 2796, and this car was coupled to the rear end of the 13th car. Immediately afterward the slack was stretched by a reverse movement of the yard locomotive. The yard brakeman who gave the signals for the coupling movements said he observed that the cars were properly coupled. The yard locomotive was then detached from the rear of the train. The car inspector who completed coupling the steam, airbrake, and train signal lines between the 13th and 14th cars said that he observed the lock lift mechanisms of both couplers and that their positions indicated to him that the cars were properly coupled. An airbrake test was made, and car inspectors inspected the train before it departed from the station.

As No. 24 was approaching the point where the accident occurred the speed was 79 miles per hour, as indicated by the tape of the speed-recording device. The engineer and the fireman were maintaining a lookout ahead from their respective positions in the control compartment at the front of the locomotive. The flagman was in the rear car, and the other members of the train crew were in various locations in the other cars of the train. The brakes had functioned properly when a running test was made soon after the train departed from Indianapolis. Prior to the time the train passed the east switch of track No. 200 at Post the locomotive and cars had been riding smoothly and there were no indications of defective equipment. The flagman said that when the rear end of the train was in the vicinity of this switch he heard an unusual noise under the rear car. He arose from his seat with the intention of stopping the train by use of the conductor's valve, but before he reached the valve he was thrown from his feet by the impact which occurred when the rear car collided with the 13th car. He said he was not aware that a brake application was made or that there was a reduction in speed between the time he heard the noise and the time the impact occurred. The other members of the crew said that the forward portion of the train was stopped by an emergency application of the brakes. The conductor, who was in the 10th car, and the assistant conductor, who was in the 6th car, said that the collision occurred immediately after the forward portion of the train stopped. The front brakeman and the baggageman said that immediately before the forward portion of the train stopped there was a run-in of slack which may have resulted from the impact. The engineer said that when he observed that the brake-pipe pressure was being depleted he placed the brake valve in lap position. Neither he nor the fireman noticed the impact of the collision.

After the train stopped it was found that the rear car had stopped with the front end against the rear end of the 13th car. The guard arm of the tightlock coupler at the rear of the 13th car was entered between the guard arm and the knuckle of the front coupler of the rear car. The knuckles of both couplers were closed. There were no indications that a vertical slip-over of the knuckles had occurred. The steam-heat connector at the front end of the rear car was missing. The angle cocks at the rear of the 13th car and at the front of the rear car were open, and the brakeshoes of the rear car were tight against the wheels. After the inspection was completed the rear car was coupled to the 13th car. The train then proceeded to Anderson, Ind., approximately 24 miles east of the point of accident, where the rear car was set off. Further inspection of the couplers of the 13th and 14th cars disclosed no defective condition which might have contributed to the cause of the separation.

NYC 2796 was inspected by members of the mechanical force at Anderson and later at the Beach Grove shops of the carrier. The air-brake system was tested by use of a single-car test device and was found to function as intended. The piston travel in service application was 10¼ inches, and the travel in emergency application was 11 inches, 3 inches in excess of the maximum travel permitted under the rules of the carrier. The automatic slack adjuster was taken up to the maximum extent of its travel. Brake-cylinder leakage was 2 pounds per minute. A fresh abrasion was found on the underside of the center portion of the uncoupling attachment at the A end of the car which indicated that this attachment had been struck by a metallic object.

The main tracks in the vicinity of the point of accident were inspected on the day after the accident occurred. Scraping marks were found on several ties in the space between rails of the eastward main track at a point approximately 125 feet east of the east switch of track No. 200. Other marks of a similar nature were found on a track motorcar setoff located approximately 500 feet east of the switch. These marks were of recent origin. The steam-heat connector which was missing from the front end of NYC 2796 was found on the north side of the westward main track approximately 1,450 feet west of the point at

which the rear end of the train stopped. The locking arm was broken off the steam connector head near the gasket seat. The fracture surface showed a large area of old break. The insulating material on the connector was badly scuffed as a result of contact with the track structure. The safety spring was found about 50 feet west of the location at which the connector was found and on the south side of the eastward main track.

Apparently when No. 24 was in the vicinity of the east switch of track No. 200 at post the steam-heat conduits between the 13th and the 14th cars became separated, either as a result of striking some object or as a result of the failure of the coupler head of the conduit of the 14th car. This conduit then came into contact with the track structure at several points and was deflected violently. It appears that during these violent deflections the conduit, in addition to being torn from the steam train pipe end valve, came in contact with the center portion of the uncoupling attachment and moved it upward to the extent that the knuckle lock was raised sufficiently to permit the coupler knuckle to open. Because of excessive brake-cylinder piston travel and lower braking ratio, after the separation in the train occurred the stopping distance of the rear car was greater than that of the forward portion of the train, and as a result the rear car collided with the forward portion of the train before it stopped.

NYC 2796 arrived at Indianapolis on No. 427 about 3 a. m. on the day of the accident. The car was inspected on arrival at Indianapolis and again before its departure on No. 24. No defective condition was found, although it is evident from the takeup on the slack adjuster and the worn condition of some of the brakeshoes that excessive piston travel had existed for some time previous to the occurrence of the accident.

CAUSE

This accident was caused by insufficient braking effort on rear car to stop car short of forward portion of train after train became separated.

Dated at Washington, D. C., this 9th day of June, 1954.

By the Commission, Commissioner Clarke:

[SEAL]

GEORGE W. LAIRD, *Secretary.*

EXHIBIT III (h)

INTERSTATE COMMERCE COMMISSION

Report No. 3524

THE NEW YORK CENTRAL RAILROAD CO.

IN RE ACCIDENT AT NEHASANE, N. Y., ON MARCH 22, 1953

SUMMARY

Date: March 22, 1953.
Railroad: New York Central.
Location: Nehasane, N. Y.
Kind of accident: Head-end collision.
Trains involved: Freight and freight.
Train numbers: Extra 1081 south and extra 8293 north.
Engine numbers: Diesel-electric units 1081, 3351, 3358, and 1056 and Diesel-electric unit 8293.
Consists: 91 cars, caboose and 9 cars, caboose.
Speeds: Standing and 45 miles per hour.
Operation: Timetable, train orders, and manual block-signal system.
Track: Single; 3° curve; 0.403 percent ascending grade southward.
Weather: Clear.
Time: 10:03 p. m.
Casualties: 2 killed, 3 injured.
Cause: Failure to obey meet order.

INTERSTATE COMMERCE COMMISSION

Report No. 3524

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910. THE NEW YORK CENTRAL RAILROAD CO.

July 23, 1953

Accident at Nehasane, N. Y., on March 22, 1953, caused by failure to obey a meet order.

REPORT OF THE COMMISSION [1]

JOHNSON, *Chairman:*

On March 22, 1953, there was a head-end collision between two freight trains on the New York Central Railroad at Nehasane, N. Y., which resulted in the death of 2 train-service employees, and the injury of 3 train-service employees. This accident was investigated in conjunction with representatives of the New York Public Service Commission.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred on that part of the Adirondack Division extending between Adirondack Junction, Quebec, and Remsen, N. Y., 202.40 miles, a single-track line, over which trains are operated by timetable, train orders, and a manual block-signal system. At Nehasane, N. Y., 142.25 miles south of Adirondack Junction, a siding 1,713 feet in length parallels the main track on the west. The siding switches are 1,103 feet north and 610 feet south of the station. The accident occurred on the main track at a point 746 feet north of the south siding-switch. From the north there are, in succession, a 1° 29′ curve to the right 1,250 feet in length, and a 3° curve to the right 14 feet to the point of accident and 736 feet southward. From the south there are, in succession, a 2° curve to the left 1,906 feet in length, a tangent 999 feet, a 5° curve to the right 1,297 feet, a tangent 667 feet, and the curve on which the accident occurred. The grade for southbound trains is 0.403 percent ascending throughout a distance of 2,180 feet immediately north of the point of accident. The grade for northbound trains is, successively, 0.780 percent ascending 3,500 feet, 1.195 percent descending 2,100 feet, 0.738 percent descending 1,600 feet, and 0.403 percent descending 995 feet to the point of accident.

The switch stand at the south siding-switch is of the hand-throw intermediate-stand type. It is located 9 feet 3¼ inches east of the centerline of the track. When the switch is in normal position a green banner 10 inches wide and 39½ inches long is displayed at right angles to the track. This banner is pointed at each end and is attached to the spindle in a diagonal position. It is 7 feet 5 inches above the level of the tops of the rails. When the switch is lined for entry to the siding two circular red banners 14 inches in diameter, one on each side of the spindle, are displayed at right angles to the track. These banners are at the same level as the green banner. The green banner and one of the red banners are each equipped with a reflector lens 5 inches in diameter and of the same colors as the banners.

A manual-block signal of the upper-quadrant semaphore type is located in front of the station at Nehasane and approximately 48 feet east of the track. The aspect displayed by this signal applicable to this investigation and the corresponding indication is as follows—

Night aspect: Red.

Indication: Stop.

This carrier's operating rules read in part as follows:

"14. Engine whistle signals.

"NOTE.—The signals prescribed are illustrated by 'o' for short sounds; '—' for longer sounds. * * *

"Sound: * * * S(n) — — o.

"Indication: Approaching meeting or waiting points. See rule S–90.

* * * * * * *

[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Chairman Johnson for consideration and disposition.

"17. * * *
"Headlight must be dimmed:
* * * * * * *
"(c) * * * while standing on main track at meeting points.
* * * * * * *
"S–88. * * *
"At meeting points between extra trains, the train in the inferior timetable direction must take the siding unless otherwise provided.
* * * * * * *
"S–90. * * *
"The engineman of each train will give signal 14 S(n) at least 1 mile before reaching a meeting or waiting point. If the engineman fails to sound such whistle signal, the fireman must communicate with him at once and if necessary stop the train.
"211. * * *
"Enginemen must show train orders to firemen and, when practicable, to forward trainmen. Conductors must show train orders, when practicable, to trainmen. When fireman and trainmen are shown train orders they must read them.

"FORMS OF TRAIN ORDERS

"S–A

"Fixing meeting points for opposing trains.
"(1) * * *
"Extra 652 north meet extra 231 south at B.
* * * * * * *
"Trains receiving these orders will run with respect to each other to the designated points and there meet in the manner prescribed by the rules.
"317–B. * * *
"A train must not be admitted to a block which is occupied by an opposing train. * * *
* * * * * * *
"362. Trains must not pass a stop indication without receiving clearance form A * * *."
Timetable special instructions provide that southbound trains are superior to trains of the same class in the opposite direction.
The maximum authorized speed for freight trains is 40 miles per hour.

DESCRIPTION OF ACCIDENT

Extra 1081 south, a southbound freight train, consisted of diesel-electric units 1081, 3351, 3338, and 1056, coupled in multiple-unit control, 91 cars, and a caboose. At Tupper Lake, 25.82 miles north of Nehasane and the last open office north of Nehasane, the crew received copies of train order No. 717 reading in part as follows:
"Engine 1081 run extra Tupper Lake to Remsen Station meet extra 8293 north at Nehasane * * *."
They also received copies of a clearance form A indicating that the block between Tupper Lake and Nehasane was clear. This train departed from Tupper Lake at 9:15 p. m. and stopped on the main track at Nehasane at 9:59 p. m., with the front end of the locomotive 136 feet north of the manual-block signal and 746 feet north of the south siding-switch. About 4 minutes later it was struck by extra 8293 north.
Extra 8293 north, a northbound freight train, consisted of diesel-electric unit 8293, 15 cars, and a caboose. At Remsen, the last open office south of Nehasane, the crew received copies of train order No. 717 and a clearance form A indicating that the block between Remsen and Nehasane was clear. They also received a message instructing them that in order to avoid delay to extra 1081 south they were to arrange their work so as to reach Nehasane not later than 9:45 p. m. This train departed from Remsen at 7:33 p. m. Switching was performed at Thendara, 29.89 miles south of Nehasane. When the train departed from Thendara it consisted of the diesel-electric unit, nine cars, and the caboose. This train passed the south siding-switch at Nehasane, where it was required to enter the siding to meet extra 1081 south, passed the manual-block signal, which indicated "stop," and while moving at a speed of 45 miles per hour it struck extra 1081 south.

The locomotive of extra 1081 south was moved northward approximately 50 feet by the force of the impact. The first diesel-electric unit and the fifth and sixth cars of extra 1081 south and the Diesel-electric unit, the first two cars, and the front trucks of the third and fourth cars of extra 8293 north were derailed. The derailed diesel-electric units stopped approximately upright and in line with the track. The derailed cars stopped in various positions on or near the track. The first diesel-electric unit and the fourth, fifth, and sixth cars of extra 1081 south and the diesel-electric unit and the first four cars of extra 8293 north were badly damaged. The second diesel-electric unit and the seventh and eighth cars of extra 1081 south and the fifth and sixth cars of extra 8293 north were somewhat damaged.

The fireman and the front brakeman of extra 8293 north were killed. The engineer of extra 8293 north and the engineer and the fireman of extra 1081 south were injured.

The weather was clear and the temperature was about 38° above zero at the time of the accident, which occurred at 10:03 p. m.

Diesel-electric unit 8293 is of the road-switcher type. It is provided with 6-SL brake equipment. All cars in the train of extra 8293 north were provided with AB brake equipment.

DISCUSSION

The crew of each train and the operator at Nehasane held copies of train order No. 717, which established Nehasane as the meeting point between the two trains. Under the rules, extra 8293 north was required to enter the siding at Nehasane at the south siding-switch and to remain clear of the main track until extra 1081 south had been met and manual-block authority to reenter the main track had been received.

When extra 1081 south stopped at Nehasane the enginemen and the front brakeman were on the locomotive. The conductor, the swing brakeman, and the flagman were in the caboose. The manual-block signal indicated "stop" for trains in each direction. Immediately after the train stopped, the engineer dimmed the headlight. The front brakeman proceeded to the station to inquire as to the location of extra 8293 north. Almost immediately after he entered the office he observed the headlight of extra 8293 north in the vicinity of the south siding-switch. The locomotive of extra 8293 north passed as the brakeman reached the door of the office. The brakeman said that sparks flying from the wheels indicated that the brakes of the locomotive were applied before the front of the train passed the station. He said that after the train stopped the brakes of the cars were applied, but he did not know whether they were applied before the accident occurred or as a result of the accident. The fireman of extra 1081 south was seriously injured and was not questioned during the investigation.

Extra 8293 north originated at Utica, 21.36 miles south of Remsen. The brakes of the train were tested at Utica and functioned properly. The crew received copies of train order No. 717 at Remsen. The members of the crew each read the order and understood that their train was to enter the siding at Nehasane to meet extra 1081 south. Two cars were set off at McKeever, 38.67 miles south of Nehasane. Nine cars were set off and five flat cars loaded with logs were added to the train at Thendara. While switching was being performed at this latter station the conductor remarked to the engineer that their train would not reach Nehasane by 9:45 p. m., as instructed. After the train was assembled it consisted of the locomotive, nine loaded cars, and the caboose. The weight, exclusive of the locomotive, was approximately 436 tons. The brakes were tested before the train departed from Thendara and were used in controlling the speed of the train on a descending grade about three fourths of a mile north of Thendara and at several points between Big Moose and Beaver River, located, respectively, 18.53 miles and 10.14 miles south of Nehasane. The engineer said that after the train departed from Thendara brake applications did not retard the train as rapidly as they had before the cars loaded with logs were picked up at that point. He said that when the train reached a point about 1½ miles south of Nehasane he sounded the prescribed meeting point whistle signal. As the train approached the descending grade south of Nehasane he closed the throttle, and at a point about 4,000 feet south of the south siding-switch he made a brake-pipe reduction of 8 or 9 pounds. Before he made this reduction, the brake-pipe pressure was 80 pounds. After the train passed the crest of the hill the speed increased. The engineer made a further brake-pipe reduction, the total reduction being 20 pounds. However, the speed

continued to increase, and the engineer then placed the brake valve in emergency position. He thought that the brake valve exhaust was unusually short. This action was not effective in controlling the speed, and the engineer said he then opened the sanding valve and held the independent brake valve in full-service position until the collision occurred. The front brakeman jumped from the locomotive at a point 385 feet south of the point of accident, the fireman got off either immediately before or at the time the collision occurred, and both were killed.

The conductor and the flagman said that before the train departed from Thendara they observed that the gage in the caboose indicated that the brake pipe was charged to 80 pounds. After leaving Thendara these employees rode in the cupola of the caboose. They observed sparks flying from the wheels throughout the length of the train when brake applications were made at various points between Thendara and Beaver River. When the flagman thought that the train should be approaching Nehasane he descended from the cupola to obtain his coat and gloves. Soon afterward the conductor became aware that the speed of the train was increasing. He opened a window in an attempt to ascertain the location of the train. This portion of the railroad is located within a forest, and because of the darkness the conductor could not immediately identify a landmark. He first became aware of his exact location when he saw the block signal and the headlight of extra 1081 south ahead. The flagman also became alarmed because of the increase in speed and although the conductor and the flagman did not know whether there was an application of the brakes before the collision occurred it was too late for them to take effective action to stop the train when they realized they were closely approaching the meeting point at excessive speed. Neither of these employees nor the members of the crew of the south-bound train who were able to make statements heard a whistle signal sounded as the train approached Nehasane.

According to the tape of the speed recording device, the train passed the crest of the hill, 4,695 feet south of the point of accident, at a speed of 32 miles per hour. The speed increased from 32 miles per hour to 42 miles per hour within a distance of approximately 2,400 feet, then increased less rapidly from 42 miles per hour to a maximum of 45 miles per hour at the point of accident.

When the equipment of extra 8293 north was examined about 8 hours after the accident occurred there were no indications of abnormally heavy braking on the wheels or brakeshoes of the locomotive or the first three cars. The brakeshoes of all cars behind the third car were slightly discolored from overheating. All wheels of the seventh and eighth cars and several wheels of the ninth car and the caboose bore slight skid marks, and two wheels of the ninth car bore slight traces of built-up metal.

The angle cock at the rear end of the locomotive of extra 8293 north was broken off during the derailment, and the front portion of the handle was broken. The remaining portion of the handle was not damaged and was found in fully open position. With the exception of the angle cock at the rear of the caboose, all angle cocks on the cars of the train were latched in fully open position. The brakes of the rear three cars and the caboose were tested at the scene of the accident and functioned properly. After damaged piping on the third to the sixth cars, inclusive, was repaired, the brakes of these cars were tested and functioned properly. The airbrake systems of the first two cars were destroyed. The brake rigging and other portions of the brake equipment of the locomotive were damaged to the extent that the brakes could not be tested. The brake valves and all control equipment were removed from the locomotive and tested on another locomotive of the same class. All equipment functioned properly. This equipment then was tested on a test rack. No condition was found which would have prevented an effective application of the brakes.

On March 29, 1953, tests were made to determine the distance in which a northbound train of the approximate length and weight of extra 8293 north could be stopped after it reached a point from which the crew could obtain a view of the light in the manual-block signal at Nehasane. Diesel-electric unit 8294, of the same class as diesel-electric unit 8293, 8 loaded cars, 1 empty car, and a caboose were used in these tests. Four of the cars were loaded with logs. The weight of the train, exclusive of the locomotive, was 489 tons. There was a very light rain when the tests were begun, and the temperature was 39 degrees above zero. In the first test the engineer placed the brake valve in emergency position at a point 1,519 feet south of the signal, the point at which the signal first could be seen, while the train was moving at a speed of 45 miles per hour.

The train stopped with the front of the locomotive 46 feet north of the signal and 90 feet south of the point at which the accident occurred. In the second test the brakes were applied in emergency by use of the conductor's emergency valve when the caboose reached the point from which the signal could be seen. At this time the train was moving at a speed of 45 miles per hour. The train stopped with the front of the locomotive 561 feet north of the signal and 425 feet north of the point of accident. The wheels of the locomotive and the cars were examined after these tests were made. No indications of abnormally heavy braking were observed.

After the accident there were indications of heavy braking from the fourth car to the rear of the train of extra 8293 north, but not on the locomotive or the first three cars. However, according to the tape of the speed recording device there was no reduction in speed before the collision occurred, and it is possible that the indications of heavy braking resulted from heavy braking on a previous occasion. The front brakeman of extra 1081 south said that the brakes of the locomotive of extra 8293 north were applied when the locomotive passed the station at Nehasane. These brakes probably were applied from the time the engineer first made a brake-pipe reduction. If, for any reason, a break application was obtained on the locomotive but not throughout the length of the train, the wheels and brakeshoes of the locomotive should have shown indications of overheating after the brakes had been heavily applied throughout a distance of over 4,000 feet.

CAUSE

It is found that this accident was caused by failure to obey a meet order.

Dated at Washington, D. C., this 23d day of July, 1953.

By the Commission, Chairman Johnson:

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

EXHIBIT III (1)

INTERSTATE COMMERCE COMMISSION

Report No. 3639

THE NEW YORK CENTRAL RAILROAD CO. IN RE ACCIDENT AT NORWOOD, N. Y., ON JUNE 17, 1955

SUMMARY

Date: June 17, 1955.
Railroad: New York Central.
Location: Norwood, N .Y.
Kind of accident: Rear-end collision.
Trains involved: Freight and passenger.
Train numbers: Extra 1099 north and 609.
Engine numbers: Diesel-electric units 1099, 3301, and 1051.
Consists: 29 cars, caboose and 1 diesel-powered passenger unit.
Estimated speeds: Standing and 15 to 30 miles per hour.
Operation: Timetable, train orders, and manual block-signal system.
Track: Single; tangent: 0.98 percent descending grade northward.
Weather: Clear.
Time: 5:55 p. m.
Casulaties: 16 injured.
Cause: Train entering occupied siding at an excessive rate of speed.

INTERSTATE COMMERCE COMMISSION

Report No. 3639

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910

THE NEW YORK CENTRAL RAILROAD COMPANY

August 29, 1955

Accident at Norwood, N. Y., on June 17, 1955, caused by a train entering an occupied siding at an excessive rate of speed

REPORT OF THE COMMISSION [1]

CLARKE, *Commissioner:*

On June 17, 1955, there was a rear-end collision between a freight train and a passenger train on the New York Central Railroad at Norwood, N. Y., which resulted in the injury of 14 passengers and 2 train-service employees. This accident was investigated in conjunction with a representative of the New York Public Service Commission.

LOCATION OF ACCIDENT AND METHOD OF OPERATION

This accident occurred on that part of the St. Lawrence division extending between signal station JG., near Syracuse, and Massena, N. Y., 158.89 miles. In the vicinity of the point of accident this is a single-track line, over which trains are operated by timetable, train orders, and a manual block-signal system. Within yard limits at Norwood, 145.99 miles north of signal station JG., a siding 4,447 feet in length parallels the main track on the east. The south siding switch is 3,756 feet south of the station and 736 feet north of the south yard-limit sign. A crossover, which is facing point for northbound movements on the main track, connects the main track and the siding. The south switch of this crossover is located 2,870 feet north of the south siding switch. The accident occurred on the siding at a point 327 feet north of the south siding switch. The main track is tangent throughout a distance of 1.31 miles immediately south of the south siding switch and 835 feet northward. The grade for northbound trains is, successively, 0.12 percent ascending a distance of 1,800 feet, 0.62 percent descending 1,900 feet, and 0.98 percent descending 723 feet to the point of accident and 325 feet northward.

An inoperative upper-quadrant semaphore signal governing northbound movements on the main track is located 1,721 feet south of the point of accident. The semaphore blade is fixed in a diagonal position, and the indication of the signal is as follows:

"Proceed preparing to stop at switches or next signal. Train exceeding medium speed when indication is seen must at once reduce to that speed."

At the time of the accident the manual block in which the accident occurred extended between the stations at Potsdam, 6.07 miles south of Norwood, and Norwood.

This carrier's operating rules read in part as follows:

"FORMS OF TRAIN ORDERS

"S–A

"Fixing meeting points for opposing trains:

"(1) No. 1 meet No. 2 at B. * * *

* * * * * * *

"Trains receiving these orders will run with respect to each other to the designated points and there meet in the manner prescribed by the rules.

[1] Under authority of sec. 17 (2) of the Interstate Commerce Act, the above-entitled proceeding was referred by the Commission to Commissioner Clarke for consideration and disposition.

"SIGNAL DEFINITIONS

"*Medium speed.*—A speed not exceeding 30 miles per hour."

Timetable special instructions read, in part, as follows:

"S–90. Siding switches

"Trains taking siding will take first switch, except:

* * * * * * *

"Norwood.—Northward first-class trains, second switch.

* * * * * * *

"Timetable special instructions provide that southbound trains are superior to trains of the same class in the opposite direction.

"The maximum authorized speeds are 40 miles per hour for freight trains and 55 miles per hour for passenger trains."

DESCRIPTION OF ACCIDENT

Extra 1099 north, a northbound freight train, consisted of diesel-electric units 1099, 3301, and 1051, coupled in multiple-unit control, 94 cars and a caboose. This train passed Potsdam at 5:04 p. m. and arrived at Norwood at 5:20 p. m. After an interchange delivery of 65 cars was made to the Rutland Railroad, it entered the siding at the south siding switch and stopped about 5:45 p. m. with the caboose 327 feet north of the switch. About 10 minutes later the rear end was struck by No. 609.

No. 609, a northbound first-class passenger train, consisted of diesel-powered passenger unit M–458. This train passed signal station JG. at 2:24 p. m., 10 minutes late. At Dekalb Junction, 24.85 miles south of Norwood, members of the crew received copies of train order No. 532 reading as follows: "No. 8 meet No. 609 at Norwood."

The train departed from this point at 5:13 p. m., on time. At Potsdam the crew received copies of a clearance form A indicating that the block between Potsdam and Norwood was clear and copies of a message reading as follows: "Clear up on second-class siding at Norwood for No. 8 and back out after No. 8 account DN–1 ahead of you."

The portion of the siding south of the crossover at Norwood is commonly designated as the second-class siding. DN–1 was the symbol designation of extra 1099 north. The operator at Potsdam informed the conductor orally that the south siding switch at Norwood would be lined for entry to the siding. No. 609 departed from Potsdam at 5:47 p. m., 9 minutes late, passed the semaphore signal south of Norwood, which indicated "Proceed prepared to stop at switches or next signal," and while moving at a speed variously estimated at from 15 to 30 miles per hour it entered the siding at Norwood and struck the rear end of extra 1099 north.

The rear end of the caboose of extra 1099 north was crushed inward approximately 3 feet by the front end of the passenger unit and was moved off center. It was badly damaged. The front end of the passenger unit was damaged, and the left front vestibule was crushed inward. No equipment of either train was derailed.

The engineer and the conductor of No. 609 were injured.

The weather was clear at the time of the accident, which occurred about 5:55 p. m.

Diesel-powered passenger unit M–458 is of stainless steel construction. It is 85 feet long between pulling faces of the couplers and is mounted on two 4-wheel trucks. It weighs 112,000 pounds and has seating capacity for 90 persons. Power is supplied by two 275-horsepower diesel engines mounted under the floor. Each engine drives the inboard axle of one truck and is placed adjacent to it. A torque converter transmission is provided. An operator's station is located at the right side of the vestibule at each end of the unit. The unit is equipped with disk brakes and HSC type airbrake equipment with M23 brake valve and D–22–AR control valve. A safety-control feature actuated by a foot pedal is provided. A handbrake is mounted on a collision post in the vestibule at the B end. The unit is equipped with a pushbutton for manual control of the sanding devices. An anti-wheel-slide device is provided. This consists of inertia devices applied to a journal box of each axle and connected in such manner that an excessive rate of deceleration of any axle closes electrical contacts which actuate an electric solenoid valve in the control box to release air from the brake cylinder and, under control of a time relay, reopen the circuit to reapply air to the brake

cylinder after an interval of about 1 second. During service application of the brakes, an excessive rate of deceleration of any axle will actuate the sanding apparatus for a 6-second cycle and cause sand to be deposited on the rails in front of the front wheels of the trucks. Automatic sanding of the rails during an emergency application of the brakes is provided.

DISCUSSION

Train order No. 532 established Norwood as the meeting point between No. 8, a south-bound first-class passenger train, and No. 609. Under the rules, No. 609, the inferior train, was required to take the siding. A message issued to the crew of that train contained instructions for the train to enter the siding at Norwood at the south siding-switch and because of a train ahead of it to reenter the main track at the same point after No. 8 had been met.

Extra 1099 north arrived at Norwood about 5:20 p. m., and after 65 cars were delivered to the Rutland Railroad it entered the siding to meet No. 8 and to be passed by No. 609. After the rear of extra 1099 north passed the south siding-switch, at 5:45 p. m., the conductor closed the switch and then called the operator at Norwood from a telephone near the switch and reported the train clear of the main track. The operator informed him that No. 609 would enter the siding behind his train. The conductor volunteered to operate the switch for that train to enter the siding, and he asked the operator at Potsdam, who was also on the line, to so inform the conductor of No. 609. The conductor then informed the flagman that No. 609 would enter the siding behind their train. The flagman proceeded to a point approximately 275 feet south of the south siding-switch. He gave stop signals with a red flag from the time No. 609 came into view until immediately before the train passed him. His signals were not acknowledged. He thought there was some deceleration of the train in the vicinity of the semaphore signal, and he observed sand or dust flying around the running gear. He said that as the unit passed he observed that the engineer was standing and appeared to be endeavoring to stop the train. The conductor remained at the switch until he heard a grade-crossing whistle signal sounded by the engineer of No. 609. He then lined the switch for entry to the siding. Soon afterward he proceeded toward his caboose. When he reached a point approximately 75 feet from the switch he heard an unusual sound and turned toward the approaching train. He said that he observed sand flying around the running gear and saw the engineer standing at the controls before the train entered the siding. Both the conductor and the flagman estimated that the speed of the train was about 30 miles per hour as it approached the south siding-switch. The conductor said he observed that after the accident occurred the rails were sanded throughout a distance of about 875 feet immediately south of the point at which No. 609 stopped.

The crew of No. 609 consisted of an engineer and a conductor. As this train was approaching Norwood the engineer was maintaining a lookout ahead from the control station in the front vestibule. The conductor was in the passenger compartment of the unit. The headlight was lighted. The brakes of this train had been tested and had functioned properly when used en route. The members of the crew were aware that instructions in message form required that their train enter the siding at Norwood at the south siding-switch. The engineer sounded the meeting-point whistle signal when the train was approximately 1 mile south of the siding. He said that at Potsdam the conductor had orally informed him that the south siding-switch probably would be lined for entry to the siding at Norwood when their train arrived. As the train approached the semaphore signal, 1,394 feet south of the south siding-switch, the speed was reduced by a light brake application from about 55 miles per hour to approximately 30 miles per hour, after which the brakes were released. The engineer said that when he observed stop signals being given by the flagman of extra 1099 north he attempted to acknowledge the signals, but because the whistle cord had become fouled on a projection in the piping he was unable to do so. When he saw the signals of the flagman he made a heavy brake-pipe reduction. At this time the throttle was in No. 1 position. He said that at first the brake application appeared to be effective, but the brakes were released by action of the anti-wheel-slide device immediately after they became applied. After the brakes were released he observed that brake-cylinder pressure was being restored. At this time he became concerned because it appeared that the train would not stop short of the switch, and he placed the brake valve in emergency position and released the pedal of the safety-control feature. He said

that the train was in the vicinity of an overhead bridge 553 feet south of the switch when this action was taken. He did not notice the brake-pipe pressure or the brake-cylinder pressure after he placed the brake valve in emergency position. He thought the train passed the siding switch at a speed of about 20 miles per hour, and he said that in the vicinity of the switch he attempted to shift into reverse. This action was not effective in stopping the train. The conductor said that after the meeting-point whistle signal was sounded he proceeded to the rear vestibule to be in a position to alight at the switch. He said he heard the brakes release and reapply twice as the train approached the switch.

Examination of the equipment of No. 609 after the accident occurred disclosed that the throttle was in off position and the brake valve was in full application position. The brakes of the unit were applied at the time of this inspection, approximately 25 minutes after the accident occurred. The compressor and the piping around the cut-out cock adjacent to the pedal of the safety-control feature were damaged in the collision. After the unit was removed to Watertown, 74.89 miles south of Norwood, the piping was repaired and the compressor belts were alined. The brakes then were tested and functioned as intended. The sanding devices functioned properly.

A series of tests to determine stopping distances from various speeds were made in the vicinity of the point of accident on June 22, 1955. The unit involved in this accident was used in these tests. Emergency brake applications in five tests made at speeds of 18, 25, 34, 40, and 49 miles per hour stopped the unit in distances of 97 feet, 195 feet, 296 feet, 448 feet, and 575 feet, respectively. Safety-control applications made at speeds of 23, 29, 29, 34, and 53 miles per hour resulted in stops in distances of 139 feet, 209 feet, 219 feet, 322 feet, and 623 feet, respectively. The unit was stopped from a speed of 35 miles per hour by application of the hand brake in a distance of 1,675 feet. In one test the unit entered the siding at the south siding-switch at a speed of 23 miles per hour and was stopped by a service application of the brakes in a distance of 297 feet. The road foreman of engines said that there was no indication on the brake-cylinder gage that the anti-wheel-slide device functioned during any of these tests.

For a considerable time prior to the day of the accident it had been customary for No. 609 to enter the siding at Norwood at the south siding-switch when it met No. 8 at that station. The engineer of No. 609 said that on the day of the accident he made the first brake application at the point at which he customarily applied the brakes in order to stop at the south siding-switch and that he placed the brake valve in emergency position in the vicinity of an overhead bridge 553 feet south of the switch. From the results of the tests which were made it appears that an emergency brake application made in the vicinity of the bridge should have stopped the train short of the caboose even though the speed was considerably higher than stated by the engineer. However, there were no indications that the anti-wheel-slide device functioned during any of the tests. Both the engineer and the conductor of No. 609 said that the device functioned when the brakes were applied as No. 609 approached the switch on the day of the accident. Each time this device functioned it would result in an increase in the stopping distance of the train.

CAUSE

This accident was caused by a train entering an occupied siding at an excessive rate of speed.

Dated at Washington, D. C., this twenty-ninth day of August, 1955.

By the Commission, Commissioner Clarke.

[SEAL] HAROLD D. McCOY,
Secretary.

EXHIBIT IV

SOUTHERN RAILWAY SYSTEM,
Washington 13, D. C., May 27, 1955.

Mr. C. W. TAYLOR,
Acting Director, Bureau of Safety and Service,
Interstate Commerce Commission,
Washington 25, D. C.

DEAR SIR: Your letter of April 26, 1955, concerning freight trains that operated through our Monroe, Va., station on dates of April 5, 6, and 7, 1955, has been received and a careful investigation has been made.

The trains referred to were made up, carefully inspected and tested, either at Spencer, N. C., or Potomac yard, prior to departure. All of these trains operate through to the other point mentioned, a distance of 322.9 miles, without any changes in the makeup of the train. Neither the locomotive nor caboose were detached at Monroe, Va., where the crew is changed.

As these relay trains approach Monroe the brakes are applied by the engineer. A car inspector is stationed on each side of train to give the entire train and brakes a careful running inspection as the train passes them slowly inbound. If defects are observed, they are corrected or the car set out. The incoming engineer tells the outgoing crew how the brakes operated and how the train handled en route. The outgoing engineer releases the brakes and is informed by radio from the caboose when the brakes are released on the rear of the train, and how much train-line pressure is registered on the caboose gage. We consider this a safe handling of the through freight train at this station. Certainly, A. A. R. Rule No. 42 is obsolete when applied to modern through freight traffic at points where the crew only is changed. I am strongly recommending to the association that this rule be rewritten to permit the handling of through trains in a safe and expedient manner.

As for train No. 58 made up at Monroe, the train line pressure on the locomotive feed valve was set at 90 pounds. However, the Southern Railway standard brake train line pressure is 70 pounds, which gives effective braking. Therefore, the brake test was made at this pressure. Experience has taught us that by setting the feed valves on the locomotives a few pounds higher than the standard train line pressure, mentioned above, that quicker release of brakes can be made and less stuck brakes result therefrom. We consider this good practice.

Yours very truly,

D. W. BROSNAN,
Vice President.

EXHIBIT V (a)

Inspector's Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Knoxville, Tenn. Date Aug. 9, 1955.

Name of operating railroad Southern (John Sevier-Rec.)

Name and title of official accompanying J.F.Lewis, Car Foreman.

Arriving or departing	Train symbol or number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Hand cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	Diebel	a.m.	4	4-a	5	6	7	8	9	10	11	12	13
Arrive	East Ex.6101	9:18 9:46	90	20	?	156	156	0	1	5	150	6	96
											37 F.		

REMARKS:

P.R.White
Inspector.

Inspector.

SURVEY No. 39.

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 56.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 56.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

12—1170

FOR BOTH ARRIVING AND DEPARTING TRIPS Cars having defective or inoperative brakes					FOR DEPARTING TRIPS ONLY Cars set out or repaired in train after inspection was began				
Train number	Car initials	Car number	Location in train	Defect: Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
				AB					
Ex.6101	N&W	70317	22	Inoperative					
	Sou	90730	74	" AB AB					
	"	90333	76	Brake cutout					
	"	95893	77	Inoperative AB					
	NATX	1168	105	" AB					
	Sou	105397	130	" AB					
	Milw	20002	9	86- 12"					
	Sou	128142	13	" 12"					
	P&LE	20188	16	" 10½"					
	"	20879	17	" 11"					
	Sou	128367	27	" 12"					
	PFE	6965	46	" 12"					
	ATSF	31330	50	" 11"					
	SLSF	83580	54	" 10"					
	CN	520050	58	" 11"					
	NYC	171494	61	" 11"					
	PRR	504121	64	" 11"					
	Sou	95208	66	" 12"					
	"	95959	70	" 12"					
	"	90805	71	" 12"					
	"	90852	72	" 12"					
	"	90751	75	" 10½"					
	"	90627	80	" 12"					
	"	90831	82	" 11½"					
	"	90784	83	" 12"					
	"	90668	84	" 12"					
	"	90679	85	" 12"					
	T&NO	57002	89	" 10½"					
	GATX	29321	102	" 10½"					
	N&W	58318	107	" 12"					
	Sou	319918	120	" 12"					
	"	319963	121	" 10½"					
	WFEX	69318	123	" 12"					
	Sou	94005	127	" 10½"					
	"	94836	128	" 12"					
	"	280523	134	" 10½"					
	"	112018	135	" 11"					
	L&N	77503	138	" 10"					
	Sou	22889	150	" 10½"					
	INT	9086	152	" 12"					
	"	7770	153	" 12"					
	"	8286	154	" 10"					
	"	8359	155	" 12"					

EXHIBIT V (b)

Inspector's Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Cleveland, Ohio, Date October 4, 1955
Collinwood, (Old Big Four

Name of operating railroad New York Central West bound yard.

Name and title of official accompanying John Bliley Car Foreman

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Number cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	B. & F. 3	P. & M.	4	4-a	5	6	7	8	9	10	11	12	13
Arriving	Diesels #1711-A 2461-B	2:55 3:25	80	20	----	147	147	0	0	10	137 36	1 ~~9~~	93%.

REMARKS: (Additional defects on sheet #108.)

Cloyd B. Carothers
Inspector.

Inspector.

SHEET No. 107

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 58.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 88.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

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FOR BOTH ARRIVING AND DEPARTING TRAINS Cars having defective or inoperative brakes					FOR DEPARTING TRAINS ONLY Cars cut out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect	Train number	Car initials	Car number	Location in train	Time of departure of train
				Cut-out or inoperative					
B-F-3	NYC	27261	22	AB-89-Inoperative.					
"	"	26469	39	AB-89- " "					
"	"	26535	54	AB-89-Inoperative.					
"	"	28054	90	AB-89-Inoperative.					
"	"	26363	97	" 89 " .					
"	PRR	106045	118	" 89 ".					
"	IHB	10679	119	" 89 ".					
"	L&N	17016	120	" 89 ".					
"	ATSF	272112	121	" 89 ".					
"	SOU	306393	124	" 89 ".					
"	L&N	19540	3	AB-86-Piston Travel. 10".					
"	"	19506	4	" 86- 10".					
"	DL&W	49359	5	" 86- 11-1/2".					
"	GN	52886	10	" 86 9-1/2".					
"	GTW	441294	11	" 86 10-1/2".					
"	PRR	567959	14	" 86 9-1/2".					
"	NYC	26368	20	" 86 9-1/2".					
"	NYC	27146	21	" 86 11".					
"	PRR	50600	29	" 86 9-3/4".					
"	NYC	28461	30	" 86 9-1/2".					
"	"	27102	32	" 86 10-1/2".					
"	RI	140709	41	" 86 9-1/2".					
"	N&W	54078	43	" 86 10".					
"	ATSF	34393	44	" 86 10-1/2".					

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FOR BOTH ARRIVING AND DEPARTING TRIPS Cars having defective or inoperative brakes					FOR DEPARTING TRIPS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect, Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
B-F-3	L&N	96046	45	AB-86-Piston Travel 9-1/2".					
"	NYC	27273	47	" 86- " 10"/					
"	"	28433	48	" 86- " 11-1/2"/					
"	"	26388	59	" 86- " 10".					
"	"	27129	60	" 86- " 10".					
"	"	28289	61	" 86- " 10-1/2".					
"	"	28372	63	" 86- " 10-1/2".					
"	"	28323	67	" 86- " 10".					
"	"	28130	68	" 86- " 10".					
"	"	27356	76	" 86- " 10".					
"	"	28208	78	" 86- " 10".					
"	"	27275	81	" 86- " 9-1/2".					
"	"	28394	83	" 86- " 10-1/2".					
"	"	26360	87	" 86- " 10-1/2".					
"	"	26495	88	" 86- " 9-1/2".					
"	"	27285	92	" 86- " 10".					
"	"	26409	94	" 86- " 10".					
"	"	23213	95	" 86- " 9-1/2".					
"	"	28168	102	" 86- " 10-1/2".					
"	"	28321	103	" 86- " 10-1/2".					
"	"	27188	105	" 86- " 11".					
"	"	26412	110	" 86- " 11".					

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EXHIBIT V (c-1)

Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Garrett, Indiana Date July 27, 1956.

Name of operating railroad Baltimore & Ohio (Westbound Yard)

Name and title of official accompanying A. E. Bixler, Acting Car Foreman.

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Hoosier cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	2	3	4	4-a	5	6	7	8	9	10	11	12	13
Arriving	89	10:10am 10:55am	70	20	--	129	129	0	3	2	124	5	96.
									3 - Loc				

INTERSTATE COMMERCE COMMISSION RECEIVED JUL 30 1956 OFFICE OF BUREAU OF SAFETY AND SERVICE

REMARKS: 3-unit Diesel.

SHEET NO. 14

John F. McLellan
Inspector.

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 86.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 86.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

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FOR BOTH ARRIVING AND DEPARTING TESTS Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
Arriving									
89	B&O	112512	7	55-AB.					
"	MILW	714415	44	55-AB.					
"	SRLX	15097	101	55-AB.					
"	B&O	112426	26	89-AB.					
"	CNW	46397	91	89-AB.					
"	B&O	808	3	86-D24-6½ in.					
"	B&O	112245	8	86-AB-9 3/4in.					
"	B&O	112256	9	86-AB-9½ in.					
"	UP	340112	16	86-AB-11 in.					
"	ATSF	75466	18	86-AB-9 3/4in.					
"	B&O	112213	22	86-AB-9 3/4in.					
"	B&O	112233	24	86-AB-9 3/4in.					
"	B&O	112155	27	86-AB-10½ in.					
"	B&O	112373	28	86-AB-11½ in.					
"	B&O	112352	29	86-AB-11 in.					
"	IC	45803	33	86-AB-10 in.					
"	B&O	112568	34	86-AB-11½ in.					
"	B&O	112153	36	86-AB-10½ in.					
"	B&O	112462	37	86-AB-11½ in.					
"	B&O	112532	38	86-AB-10 in.					
"	ATSF	28567	39	86-AB-9½ in.					
"	MNX	2113	41	86-AB-9 3/4in.					
"	B&O	112165	50	86-AB-10 in.					

U. S. GOVERNMENT PRINTING OFFICE 16—1170

(Continued to following page.)

FOR BOTH ARRIVING AND DEPARTING TESTS — Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY — Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect — Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
Arriving									
89	RI	261976	55	86-AB-11¼ in.					
"	B&O	112074	58	86-AB-10½ in.					
"	SP	143496	75	86-AB-11 in.					
"	B&O	112188	90	86-AB-9½ in.					
"	MORX	9013	93	86-AB-11 in.					
"	GARX	1177	94	86-AB-10¼ in.					
"	WCLX	8580	95	86-AB-10¼ in.					
"	SRLX	15116	99	86-AB-10 in.					
"	NRC	17059	103	86-AB-9½ in.					
"	B&O	112008	111	86-AB-9½ in.					
"	B&O	112540	113	86-AB-9½ in.					
"	B&O	112334	114	86-AB-10½ in.					
"	PFE	40841	119	86-AB-10 in.					
"	B&O	C2077	129	86-AB-11 in.					

EXHIBIT V (c–2)

Inspection Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Garrett, Indiana, Date October 27, 1956

Name of operating railroad Baltimore & Ohio (Train Yard)

Name and title of official accompanying A.E. Bixler, Asst. Car Foreman

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Hand cars	Brakes cut-out	Other brakes inoperative which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	2	3	4	4-a	5	6	7	8	9	10	11	12	13
Arr	EX 817 West	10:33am 11:10a	70	20	--	141	141	0	0	4	137	4	97.1

NOV 5 1956 OFFICE OF BUREAU OF SAFETY

Remarks: Three Unit D.E.

R. A. Johnson
Inspector.

Inspector.

Sheet No. 109

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 86.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 86.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

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FOR BOTH ARRIVING AND DEPARTING TESTS — Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY — Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect — Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
Ex 817 West	MORX	9041	4	9 3/4" P/T					
	TRAX	12145	6	9½"					
	MOPX	9147	8	10"					
	ARLX	1199	9	9 3/4"					
	METX	585	12	9½"					
	MORX	9282	13	10¼"					
	WCLX	8625	14	9½"					
	MORX	9107	17	10 3/4"					
	MNX	1795	19	10"					
	SP	211833	20	9½"	Continued Arr test Ex 817 West				
	UP	48944	22	9 3/4"		ART	36190	51	11" P/T
	ATSF	26431	23	AB-inoperative		"	50900	52	AB-inop.
	MORX	9798	25	9½" P/T		ATSF	146103	55	" "
	RPFX	400	28	9½"		URTX	34203	66	12" P/T
	"	252	29	9 3/4"		Milw	24377	69	9½"
	NADX	324	30	10½" (32)		B&O	112554	74	9½"
	CRLX	5801	34	12"		SRLX	6348	76	10"
	B&O	10961	36	9½"		FGEX	89342	85	10½"
	URTX	38483	39	10½"		B&O	110445	92	10"
	FMIX	40471	40	9½"		CNW	3845	94	AB-inop.
	PFE	93628	41	9 3/4"		GRLX	573	103	9½" P/T
	B&O	112228	44	10"		CAFX	1074	105	9½"
	URTX	37586	50	10"		B&O	C304	141	9½"

Continued next column

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EXHIBIT V (d–1)

Inspector's Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Crestline, Ohio, Date February 23, 1956

Name of operating railroad Pennsylvania (East bound relay yard)

Name and title of official accompanying W. S. Royse General Car Foreman

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Hand cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	2	P. M.	4	4-a	5	6	7	8	9	10	11	12	13
	G R E-2	3:30											
Arriving	Diesels	4:05	80	20	---	123	123	0	0	16	107	16	87%
	# 9514A									27			
	9527B												
	9565A												
	9727A												

REMARKS: (Continued on sheet # 276)

Cloyd B. Carothers Inspector.

Inspector.

SHEET NO. 275

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 80.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 80.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

12—1170

FOR BOTH ARRIVING AND DEPARTING TESTS Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
G R E2	PRR	58339	13	AB-89-inoperative.					
"	UP	100054	16	" " "					
"	PRR	73848	24	" " "					
"	"	58406	30	" " "					
"	"	27831	33	" " "					
"	"	74493	47	" " "					
"	"	106774	65	" " "					
"	I&A	36022	74	" " "					
"	PRR	121367	83	" " "					
"	WFEX	49113	88	" " "					
"	ATSF	145674	95	" " "					
"	"	140551	99	" " "					
"	NYC	122994	100	" " "					
"	CNW	8800	104	" " "					
"	PRR	66676	107	" " "					
"	CP	227515	111	" " "					
"	PRR	68126	6	" 86-P.T. 9-1/2".					
"	RDG	66428	7	" " " 10".					
"	PRR	604657	11	" " " 10".					
"	SP	81953	12	" " " 10".					
	NATX	3720	14	" " " 11".					
"	PRR	604436	17	" " " 10".					
"	SP	650168	18	" " " 10-1/2".					

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FOR BOTH ARRIVING AND DEPARTING TESTS Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
GRE-2	PRR	74101	19	AB-86-P.T.	10-1/2".				
"	"	59153	23	" " "	11-1/2".				
"	"	604342	31	" " "	10-1/2".				
"	"	604927	32	" " "	11".				
"	SP	650159	37	" " "	12".				
"	PRR	75524	42	" " "	10-1/2".				
"	"	59392	43	" " "	10".				
"	"	74533	44	" " "	11-1/2".				
"	"	76064	46	" " "	12".				
"	"	59332	48	" " "	10-1/2".				
"	"	75904	49	" " "	12".				
"	"	59384	50	" " "	11-1/2".				
"	SP	107175	59	" " "	10".				
"	PRR	60956	66	" " "	10".				
"	"	119080	68	" " "	12".				
"	ATSF	140367	76	" " "	10".				
"	"	145010	86	" " "	10".				
"	"	271620	90	" " "	11-1/2".				
"	CP	260721	92	" " "	10".				
"	D&RGW	68297	117	" " "	10".				

19—1170

EXHIBIT V (d-2)

Inspector's Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Crestline, Ohio, Date November 15, 1956

Name of operating railroad Pennsylvania (West bound classification

Name and title of official accompanying Wayne Royce Car Foreman

Arriving or departing	Train or engine number	Time P. M.	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Nonair cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	2		4	4-a	5	6	7	8	9	10	11	12	13
	Road	4:10											
Arriving	Extra	4:55	80	20	----	157	157	0	1	2	154	3	98 %
	Diesels									38 Empty			
	# 9558A												
	9525B												
	9557A												

RECEIVED I.C.C. NOV 1 8 1956 OFFICE OF BUREAU OF SAFETY AND SERVICE

REMARKS: (Continued on sheet No. 102)

Cloyd B Carothers Inspector.

Inspector.

SHEET NO. 101

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 86.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 86.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

FOR BOTH ARRIVING AND DEPARTING TESTS Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect: Out-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
Road Extra Diesels # 9558A 9525B 9557A	PRR	85011	128	AB-55-Cut out.					
"	Milw	24979	29	" 89-inoperative.					
"	D&H	17763	78	" 89- "					
"	PRR	27460	8	" 86 P.T. 10-1/2".					
"	UP	101227	10	" 86 " " 9-1/2".					
"	PFE	4990	12	" 86 " " 9-1/2".					
"	C&EI	65346	16	" 86 " " 10".					
"	CB&Q	24163	19	" 86 " " 9-1/2".					
"	KCS	20728	20	" 86 " " 9-1/2".					
"	GN	46731	24	" 86 " " 9-1/2".					
"	SOU	21883	31	" 86 " " 9-3/4".					
"	PRR	120432	40	" 86 " " 10".					
"	"	49992	41	" 86 " " 9-3/4".					
"	"	57072	45	" 86 " " 11".					
"	M&St.L	56896	48	" 86 " " 10".					
"	IC	15088	51	" 86 " " 9-1/2".					
"	WP	20581	52	" 86 " " 9-1/2".					
"	UP	105119	55	" 86 " " 9-1/2".					
"	MILW	21240	57	" 86 " " 10".					
"	PM	84207	63	" 86 " " 9-1/2".					
"	NYC	163099	64	" 86 " " 10".					
"	"	166175	66	" 86 " " 10".					
"	SP	212398	69	" 86 " " 12".					

FOR BOTH ARRIVING AND DEPARTING TESTS Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
Road									
Extra Diesels # 9558A 9525B 9557A	PRR	50139	81	AB-86-P.T. 9-1/2".					
"	"	50654	83	" 86 " "10".					
"	LV	62727	90	" 86 " " 10-1/2".					
"	PRR	504563	92	" 86 " " 9-1/2".					
"	LV	61879	94	" 86 " " 10-1/2".					
"	IC	28608	107	" 86 " " 12".					
"	SP	193256	110	" 86 " " 12".					
"	MILW	21551	113	" 86 " " 10".					
"	NYC	170069	116	" 86 " " 10-1/2".					
"	NP	27119	118	" 86 " " 10".					
"	D&RGW	68326	122	" 86 " " 10".					
"	GN	46401	129	" 86 " " 10".					
"	CB&Q	60345	134	" 86 " " 9-1/2".					
"	SA	721	138	" 86 " " 10".					
"	NYC	123372	139	" 86 " " 10".					
"	CNW	146178	143	" 86 " " 9-1/2".					
"	NYC	168724	152	" 86 " " 10".					
"	PRR	478206	157	" 86 " " 9-1/2".					

EXHIBIT V (e)

Inspector's Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Bulls Gap, Tenn., Date Oct. 19, 1955.

Name of operating railroad Southern (Bulls Gap)

Name and title of official accompanying C. L. Justice, Car Inspector

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Hand cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not equipped by air	Percent of cars with operative air brakes
1	2	3	4	4-a	5	6	7	8	9	10	11	12	13
	Diesel	a.m.											
		11:28											
Arrive	82	11:5[illegible]	90	20	[illegible]0	137	137	0	0	1	136	1	99
											21 Ef		

REMARKS:

P. W. White
Inspector.

Inspector.

AGENT No. 95.

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 85.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 86.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

19—4178

FOR BOTH ARRIVING AND DEPARTING TRAINS — Cars having defective or inoperative brakes					FOR DEPARTING TRAINS ONLY — Cars cut out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect — Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
				AB					
82	Sou.	104504	107	Inoperative					
	"	70588	11	86-12"					
	"	112404	13	" 10½"					
	"	70969	25	" 12"					
	"	71259	26	" 10"					
	"	71585	27	" 11"					
	"	70765	33	" 11½"					
	"	111713	46	" 11½"					
	"	71394	48	" 11"					
	"	285345	49	" 10½"					
	"	107822	53	" 12"					
	"	71416	56	" 12"					
	"	71172	57	" 11½"					
	UP	103164	62	" 12"					
	RI	22555	63	" 10½"					
	Sou	71311	71	" 10½"					
	"	285187	73	" 10½"					
	"	71200	74	" 11½"					
	"	70944	78	" 12"					
	"	319209	102	" 12"					
	"	94015	103	" 12"					
	GRCX	3002	110	" 12"					

19—1178

EXHIBIT V (f)

Inspector's Report No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Logansport, Indiana, Date March 30, 1956.

Name of operating railroad Pennsylvania (Yard "A")

Name and title of official accompanying L. E. Chumney, Gang Foreman.

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Nonair cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	2	3	4	4-a	5	6	7	8	9	10	11	12	13
Arriving	PF-1	9:11am 9:40am	80	20	--	108	108	0	0	1	107	1	99.

REMARKS: 3-unit diesel.

(Continued to following page.)

Inspector.

John F. McLellan

Inspector.

SHEET NO. 139

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 86.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 86.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

12—1176

FOR BOTH ARRIVING AND DEPARTING TESTS — Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY — Cars set out or repaired in train after inspection was begun				
Train number Arriving	Car initials	Car number	Location in train	Defect — Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
PF-1	C&O	27656	41	89-AB.					
"	MNX	2338	5	86-AB-12 in.					
"	PFE	96144	11	86-AB-9 3/4 in.					
"	SRLX	15337	19	86-AB-10 in.					
"	ARLX	17	20	86-AB-9 3/4 in.					
"	KGNX	3560	23	86-AB-9 3/4 in.					
"	PFE	44580	24	86-AB-10 in.					
"	PFE	62743	25	86-AB-9½ in.					
"	RDG	104477	28	86-AB-10 in.					
"	PRR	378809	32	86-AB-10 in.					
"	SRLX	15155	36	86-AB-9 3/4 in.					
"	TRAX	12467	39	86-AB-10½ in.					
"	TRAX	12404	40	86-AB-12 in.					
"	MORX	9393	43	86-AB-10½ in.					
"	NX	6876	47	86-AB-9 3/4 in.					
"	MNX	2410	48	86-AB-11 3/4 in.					
"	NX	6825	49	86-AB-10½ in.					
"	TRAX	12292	50	86-AB-9½ in.					
"	P&LE	40959	56	86-AB-12 in.					
"	Sou.	60384	57	86-AB-10½ in.					
"	PFE	46578	61	86-AB-11 3/4 in.					
"	PFE	43710	62	86-AB-9½ in.					
"	MNX	2318	63	86-AB-11 in.					

16—1170

(Continued to following page.)

FOR BOTH ARRIVING AND DEPARTING TESTS: Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY: Cars set out or repaired in train after inspection was begun				
Train number Arriving	Car initials	Car number	Location in train	Defect: Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
PF-1	RPRX	664	66	86-AB-10 3/4 in.					
"	ARLX	1445	67	86-AB-9½ in.					
"	MNX	2269	68	86-AB-11¼ in.					
"	MNX	2371	71	86-AB-10¢ in.					
"	SRLX	9970	73	86-AB-9 3/4 in.					
"	MNX	2460	75	86-AB-10 in.					
"	ARLX	1231	76	86-AB-9 3/4 in.					
"	MORX	9749	78	86-AB-12 in.					
"	ATSF	16107	82	86-AB-9 3/4 in.					
"	SRLX	15294	87	86-AB-10 in.					
"	GARX	1032	88	86-AB-10¼ in.					
"	WP	12135	92	86-AB-10 in.					
"	GARX	1067	93	86-AB-10½ in.					
"	RPRX	509	94	86-AB-10¢ in.					
"	KGNX	3840	95	86-AB-12 in.					
"	SRLX	15512	105	86-AB-9 3/4 in.					

EXHIBIT V (g)

Inspector's Form No. 5

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Ac. Chicago, Ill. Date August 3, 1955

Name of operating railroad Chicago, Rock Island & Pacific (Ac. Chicago Yard)

Name and title of official accompanying Frank Miles, Car Inspector

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Nonair cars	Brakes cut-out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars not controlled by air	Percent of cars with operative air brakes
1	2	3	4	4-a	5	6	7	8	9	10	11	12	13
Dead													
Departing	775 West	1:00 PM 1:44 "	80	25		126	126	0	0	13 15 Ex	113	13	89

REMARKS: Train not switched — all cars run. Brakes not cleaned at this yard. Piston travel could have been tightened.

L. Burrell
Inspector.

Inspector.

SHEET NO. 33

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 80.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 80.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

12—1259

FOR BOTH ARRIVING AND DEPARTING TESTS Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Defect: Cut-out or inoperative	Train Number	Car initials	Car number	Location in train	Time of departure of train
"	[illegible]	4[illegible]	5	[illegible]	[illegible]				1:50 P.M.
"	SP	25129	5X	" "					
"	[illegible]	266534	70	" "					
"	CRI&PC	275	74	" "					
"	DC	31464	78	" "					
"	[illegible]	83430	80	" "					
"	RI	161179	83	" "					
"	PRR	341844	87	" "					
"	DC	18145	100	" "					
"	GP	265550	104	" "					
"	OSL	189778	114	" "					
"	[illegible]	24253	118	" "					
"	MP	190410	122	" "					
				Defect					
"	KCS	7139	11	12" travel					
"	PRX	86	13	12" "	[illegible] 775 West				
"	RI	187467	30	11" "					Defect
"	NKP	90075	37	9½" "	"	RI	188169	86	10" travel
"	A+TS	2068	54	10½" "	"	NKP	770222	89	9¾" "
"	NKP	91421	57	9½" "	"	GTW	32588	91	9¾" "
"	RI	112	62	9¾" "	"	RI	135963	107	10½" "
"	"	161210	71	12" "	"	PRR	260322	115	9½" "
"	MP	507604	72	10½" "	"	MP	162483	120	9¾" "

19—1190

EXHIBIT V (h)

Inspector's Form No. 6

Interstate Commerce Commission

BUREAU OF SAFETY

AIR-BRAKE INSPECTION REPORT

Place Elkhart, Indiana, Date March 27, 1956

Name of operating railroad New York Central (West Bound Train Yard)

Name and title of official accompanying P. L. Low, General Car Foreman

Arriving or departing	Train or engine number	Time	Brake-pipe: Initial pressure on engine	Brake-pipe: Reduction on engine	Brake-pipe: Initial pressure on caboose	Total number cars in train	Air cars	Hand cars	Brakes cut out	Other brakes inoperative or which fail to apply	Number of operative brakes	Total cars hdl. controlled by air	Percent of cars with operative air brakes
1	2	3	4	4-a	5	6	7	8	9	10	11	12	13
ARR.	1st. LS1	8:30am 9:07am	80	20	—	141	141	0	0	1	140	1	99.2

REMARKS: Engine no. 1054 -3 unit D.E. West bound train

B. W. Johnson
Inspector.

Inspector.

SHEET No. 296

INSTRUCTIONS

1. The report of test in the above form should indicate the condition of the brakes at the time of departure or arrival of the train.
2. All air-brake tests must be made with locomotive coupled to train. A brake-pipe reduction of at least 20 pounds should be made.
3. In making air-brake tests, the locomotive and tender are considered separately; each one is a car. Each unit of a motor which can be hauled or used separately is a car.
4. Cars with excessive piston travel resulting in inoperative brakes should be included in columns 10 and 12; for departing tests they should also be reported on Form No. 6, defect No. 86.
5. Cars with excessive piston travel but not rendering brakes inoperative should be included in the report as operative brakes; but for departing tests they should be reported on Form No. 6, defect No. 86.
6. On back of this form, indicate relative position in train and give initials and numbers of cars with brakes cut out and cars with inoperative brakes; state whether cut-out or inoperative; for departing tests report defects on Form No. 6.
7. For departing tests, on the back of this form show the information indicated regarding cars set out or repaired in train during the inspection, reporting defects on Form No. 6, and also show time of departure of train.

19—1150

FOR BOTH ARRIVING AND DEPARTING TESTS — Cars having defective or inoperative brakes					FOR DEPARTING TESTS ONLY — Cars set out or repaired in train after inspection was begun				
Train number	Car initials	Car number	Location in train	Brake — Cut-out or inoperative	Train number	Car initials	Car number	Location in train	Time of departure of train
1st. LSI	CB&Q	37625	7	10" P/T					
	SP	96534	23	9½" "					
	PFE	200553	27	9½" "					
	SLSX	71054	34	9½" "					
	URTX	63008	43	10½" "					
	PFE	41729	56	9½" "					
	"	95102	58	10" "					
	"	90961	59	9½" "					
	"	91470	61	10½" "					
	SFRD	13237	62	9½" "					
	PFE	90045	63	10" "					
	SLSX	3604	67	10" "					
	PFE	61047	75	11½" "					
	NYC	28037	81	11½" "					
	"	125398	91	9½" "	Continued Train 1st. LSI				
	PRR	22625	93	10½" "		NYC	164836	122	10" P/T
	T&P	82782	97	AB-inoperative		SUCX	212	124	10½" "
	KCNX	3784	101	11 3/4"P/T		MNX	2405	128	11½" "
	NADX	13626	103	9½" "		NRC	1096	129	9½" "
	D&H	17549	111	10" "		URTX	65053	133	9 3/4""
	DL&W	49186	114	9½" "		NYC	104404	134	9½" "
	URTX	60219	118	10½" "		PRR	94132	138	9½" "
	"	5152	119	9½" "		NKP	25862	139	11" "

Continued next column

Caboose which had been removed was the 142nd, unit.

EXHIBIT VI (a)

INTERSTATE COMMERCE COMMISSION

BUREAU OF SAFETY AND SERVICE

AIR BRAKE OBSERVATION REPORT

1. Operating Railroad: Southern.
2. Date: Mar. 5, 1956. Station: Danville, Kentucky.
3. Division CNO&TP RR. Yard West.
4. What repair facilities are at this point? Medium.
5. Train No. 51. Locomotive Nos. 6111, 6164, 4426, 4150. Service: Fast freight, "The Spark Plug."
6. Number of cars, including locomotives and tender 105, including caboose, and 4-unit locomotive.
7. Was train made up at this point? No. Was motive power changed? No. Was engine crew changed? Yes. Was train crew changed? Yes. The engine crew and front brakemen boarded train without stopping it. The arriving crew got off in the same manner.
8. Is yard equipped with yard test plant? No. If so, were brakes applied from yard test plant (under AAR rule 25)? No. Or from locomotive hauling the train? No. If brake test was made from yard test plant state whether brake equipment was kept charged until locomotive was attached. None made. What test was then made? Not any.
9. Time train departed 8: 29 a. m.
10. Was terminal train brake test made (under AAR rule 25)? No. Was road train brake test made (under AAR rule 42)? No. The brakes were not applied for purpose of making train test under any rules.
11. After brakes were applied, was an examination of the train brakes made to determine if brakes were applied on each car? No. If not, state the position in train of any car on which such an examination was made. The caboose brake was looked at when train stopped for duration of 30 seconds for purpose of picking up the conductor.
12. Point toward which train moved. Oakdale, Tenn. Southward.

REMARKS: I took up a position on the east side of the train with the acting car foreman Beasley, and near the passenger station. A car inspector was on opposite side. The train came through on the main track at a speed of not in excess of 4 miles per hour; the transition lever apparently being in the proper position for dynamic braking since no brakes were observed applied on the slightly descending grade. I was informed by the acting car foreman the stop of only a few seconds was made only for the purpose of picking up the train conductor, who had remained standing near by, instead of walking back to board the cab as others do, at the same moment the head-end crew boards the engine. Sheet No. 319.

ROY C. SMITH, *Inspector.*

EXHIBIT VI (b)

INTERSTATE COMMERCE COMMISSION

BUREAU OF SAFETY

AIR BRAKE OBSERVATION REPORT

1. Operating Railroad: Georgia Southern & Florida (Southern Railway System).
2. Date: May 3, 1955. Station: Valdosta, Ga.
3. Division: GS&F Div. Southern Ry. Central Lines. Yard: Langdale yard.
4. What repair facilities are at this point? Light repairs.
5. Train No.: 153. Locomotive Nos. 4152, 6156. Service: Through freight.
6. Number of cars, including locomotive and tender: 122.
7. Was train made up at this point? No. Was motive power changed? No. Was engine crew changed? Yes. Was train crew changed? Yes.
8. Is yard equipped with yard test plant? No. If brake test was made from yard test plant state whether brake equipment was kept charged until locomotive was attached. What test was then made? None.

9. Time brakes applied: 7:56 a. m. Time brakes released: 7:58 a. m. Time train departed: 8:00 a. m.
10. Was terminal train brake test made (under AAR rule 25)? No. Was road train brake test made (under AAR rule 42)? No.
11. After brakes were applied, was an examination of the train brakes made to determine if brakes were applied on each car? No. If not, state the position in train of any car on which such an examination was made. None.
12. Point toward which train moved: Jacksonville, Fla.

REMARKS: Number 153 from Macon, Ga., arrived in Langdale yard at Valdosta, Ga., with 3 diesel locomotive units, 118 cars and 1 caboose, total 122 units. Stopping on the main track with the rear end of the train in the vicinity of the shops office at 7:56 a. m.

The enginemen and front brakeman of the outgoing crew had gone down the track to be in position when the train stopped. The conductor and flagman were at the rear and I boarded the caboose with them immediately after the train stopped. The air gage on the caboose showed 72 pounds at that time.

At 7:58 a. m. the departing conductor called the engineer on the caboose radio and told him to release the brakes and go. At 7:59 a. m. the engineer called back and inquired about the air pressure on the rear. At that time it was 80 pounds and the conductor so advised. 8:00 a. m. the engineer said I am going to try and start, which he did and the train departed.

I do not know what brake pressure was on the engine but it is customary to carry 90 pounds.

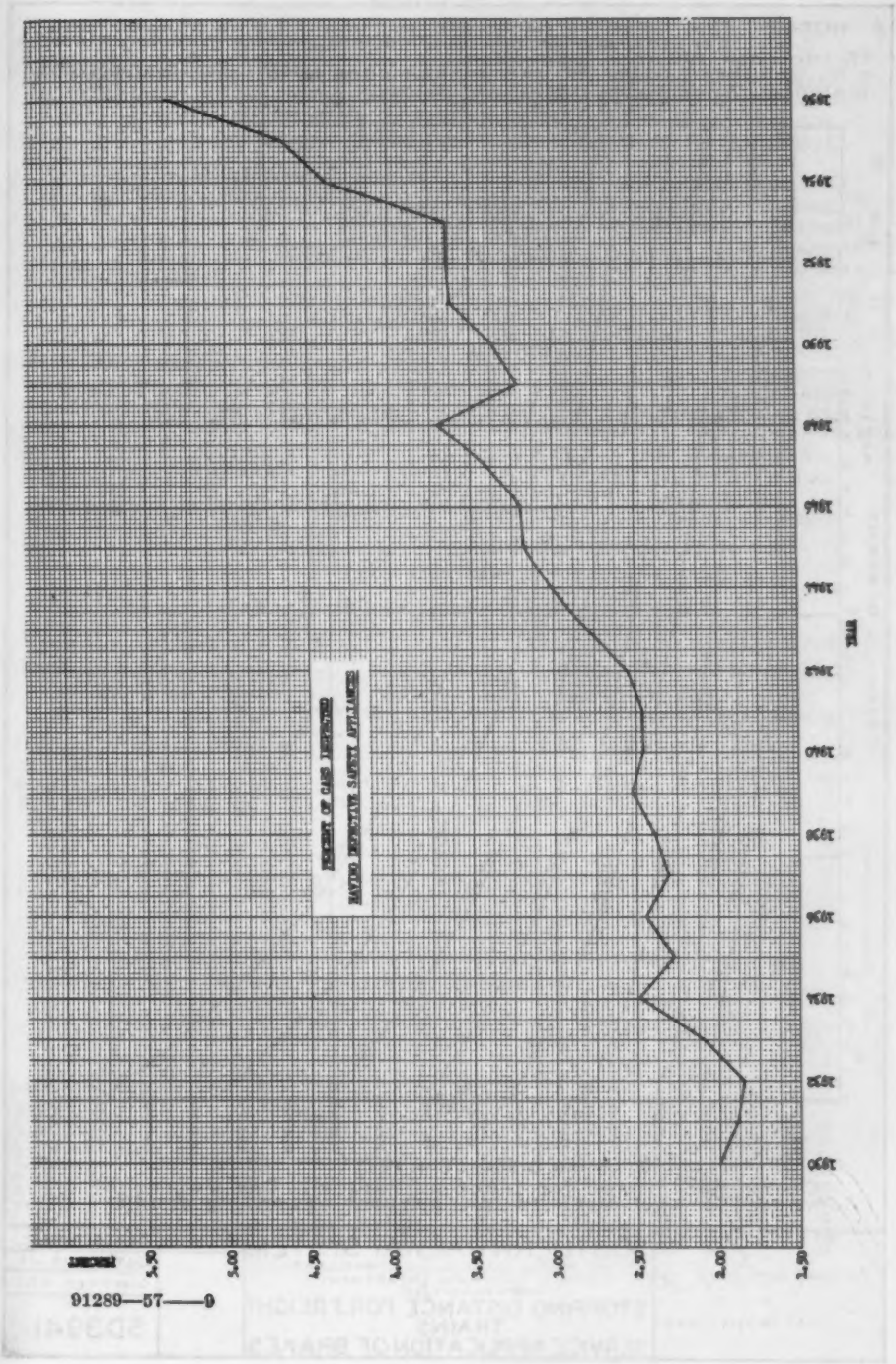
This was a total of 4 minutes elapsed time from stop to start with change of full crew after operating 151 miles and a further distance of 110 miles to make from Valdosta, Ga., to Jacksonville, Fla.

There was a car inspector on the ground who watched the train as it pulled by at Valdosta, Ga. This was the extent of the inspection made at that point.

Sheet No. 326

E. L. ———,
Inspector.

EXHIBIT VII



91289—57——9

EXHIBIT VIII

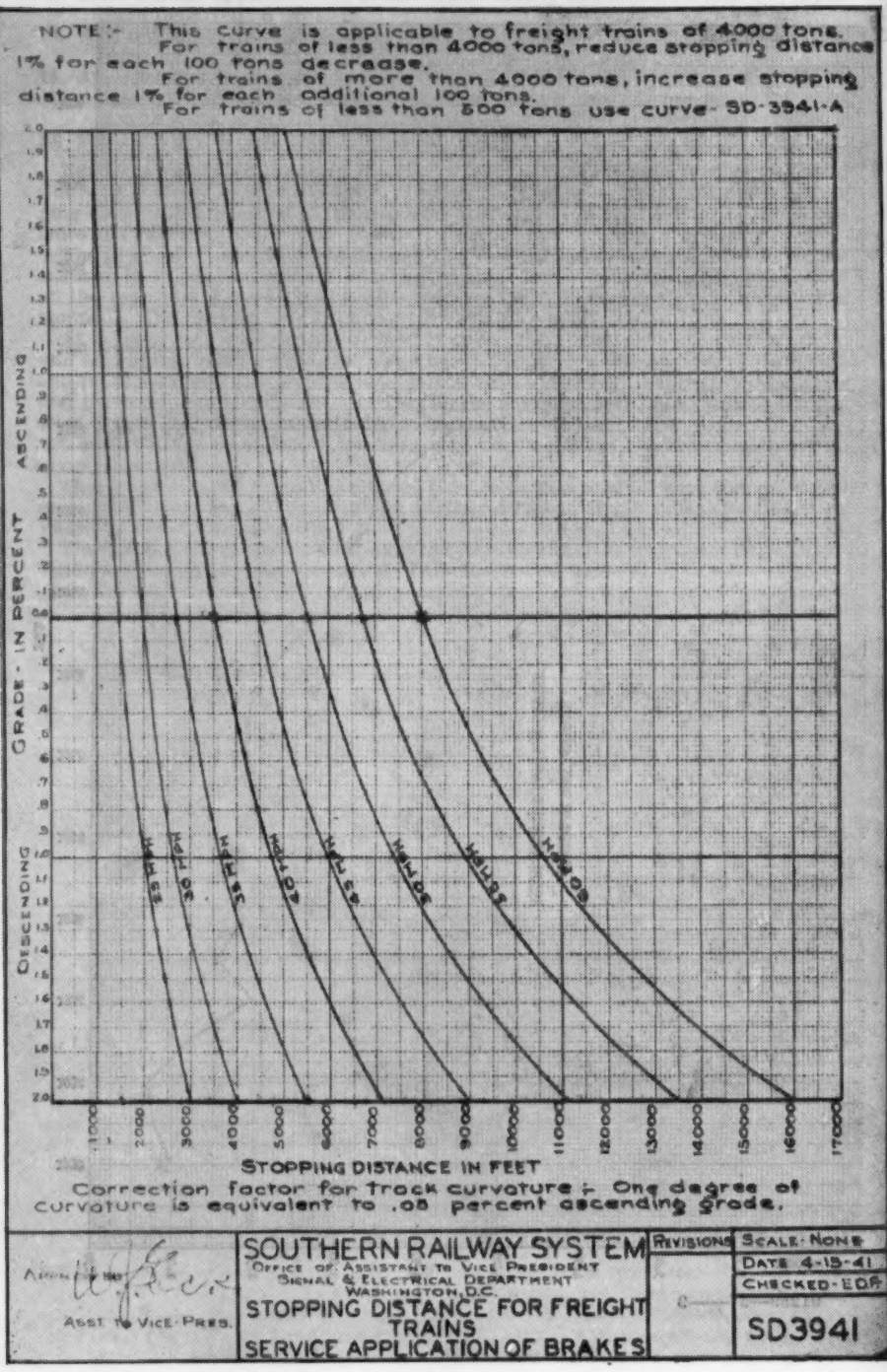

NOTE:- This curve is applicable to freight trains of 4000 tons.
For trains of less than 4000 tons, reduce stopping distance 1% for each 100 tons decrease.
For trains of more than 4000 tons, increase stopping distance 1% for each additional 100 tons.
For trains of less than 500 tons use curve- SD-3941-A
GRADE - IN PERCENT ASCENDING
DESCENDING
STOPPING DISTANCE IN FEET
Correction factor for track curvature :- One degree of curvature is equivalent to .05 percent ascending grade.
SOUTHERN RAILWAY SYSTEM
OFFICE OF ASSISTANT TO VICE PRESIDENT
SIGNAL & ELECTRICAL DEPARTMENT
WASHINGTON, D.C.
STOPPING DISTANCE FOR FREIGHT TRAINS
SERVICE APPLICATION OF BRAKES
ASST. TO VICE-PRES.
REVISIONS
SCALE- NONE
DATE 4-19-41
CHECKED- E.D.F.
SD3941

EXHIBIT IX

"A-B" VALVES AND PISTON TRAVEL

The charts given herewith are from tests made by Mr. Thomas A. Salisbury, test-rack operator of the Kansas City Southern Railway, located in Kansas City. These charts were presented at the Air Brake Repairman's Conference in Parsons given Nov. 2, 3, 4 and 5, conducted by the Kansas State Board for Vocational Education.

Extensive comments were made by W. E. Vergan, air brake supervisor of the Missouri, Kansas & Texas Railway. We are unable to give the entire discussions on account of lack of space. There are many interesting lessons in these charts. Please understand they were made with a set of A-B equipment, without any special equipment, so that there may be some differences that would be found on more accurate instruments than were used.

Chart No. 1 was made with varying piston travel from 4 to 12 inches, with a 5-pound service reduction. All of the figures indicate pounds per square inch, except where they are indicated as inches or seconds. For each of the different piston travels is shown the brake pipe, auxiliary reservoir, quick action chamber, brake cylinder, emergency reservoir, release time, equalization between the auxiliary reservoir and the emergency reservoir during release and recharge, and recharge time for each except the first, which is the charge time.

Chart No. 2 is the same, except it is with a 10-pound service reduction; chart No. 3 with a 15-pound service reduction; chart No. 4 with a 20-pound service reduction; chart No. 5 has more information as it is with an emergency application.

The study of these charts will give much information. If there are any questions, we will be glad to have you write them in.

OPERATION OF "A–B" VALVE USING DIFFERENT LENGTHS OF PISTON TRAVEL

CHART NO. 1.—*Making 5-pound service reduction*

Piston travel (inches)	Brake pipe	Auxiliary reserve	Quick action chamber	Brake cylinder	Emergency reserve	Release time (seconds)	Equalization auxiliary and emergency	Recharge time	
								Minutes	Seconds
4	70–65	70–65	70–65	22	70	22	68	7	45
5	70–65	70–65	70–65	15	70	21	68	———	15
6	70–65	70–65	70–65	11	70	21	68	———	25
7	70–65	70–65	70–65	11	70	21	67½	———	35
8	70–63½	70–63½	70–63½	10	70	20	67½	———	40
9	70–62½	70–62½	70–62½	10	70	16	67	———	45
10	70–62	70–62	70–62	9	70	13	67	———	50
11	70–61	70–61	70–61	9	70	11	66	———	55
12	70–61	70–61	70–61	9	70	8	65	———	55

CHART NO. 2.—*Making 10-pound service reduction*

Piston travel (inches)	Brake pipe	Auxiliary reserve	Quick action chamber	Brake cylinder	Emergency reserve	Release time (seconds)	Equalization auxiliary and emergency	Recharge time (seconds)
4	70–60	70–60	70–60	35	70	15	66	40
5	70–60	70–60	70–60	33	70	11	66	45
6	70–60	70–60	70–60	30	70	10	66	45
7	70–60	70–60	70–60	23	70	9	65	50
8	70–60	70–60	70–60	18	70	8	65	50
9	70–60	70–60	70–60	14	70	7	65	55
10	70–60	70–60	70–60	10	70	7	65	55
11	70–60	70–60	70–60	9	70	8	65	60
12	70–60	70–60	70–60	9	70	8	65	75

CHART No. 3.—*Making 15-pound service reduction*

Piston travel (inches)	Brake pipe	Auxiliary reserve	Quick action chamber	Brake cylinder	Emergency reserve	Release time (seconds)	Equalization auxiliary and emergency	Recharge time (seconds)
4	70–55	70–55	70–55	57	70	17	65	50
5	70–55	70–55	70–55	56	70	12	65	55
6	70–55	70–55	70–55	56	70	10	64	55
7	70–55	70–55	70–55	43	70	10	63½	60
8	70–55	70–55	70–55	36	70	12	63	60
9	70–55	70–55	70–55	30	70	11	63	60
10	70–55	70–55	70–55	25	70	9	63	70
11	70–55	70–55	70–55	22	70	9	63	80
12	70–55	70–55	70–55	19	70	9	63	95

CHART No. 4.—*Making 20-pound service reduction*

Piston travel (inches)	Brake pipe	Auxiliary reserve	Quick action chamber	Brake cylinder	Emergency reserve	Release time (seconds)	Equalization auxiliary and emergency	Recharge time (seconds)
4	70–50	70–58	70–50	58	70	30	64	70
5	70–50	70–55	70–50	55	70	25	64	75
6	70–50	70–53	70–50	53	70	23	63	75
7	70–50	70–52	70–50	52	70	17	63	80
8	70–50	70–50	70–50	50	70	13	62	85
9	70–50	70–50	70–50	45	70	11	62	90
10	70–50	70–50	70–50	41	70	9	62	90
11	70–50	70–50	70–50	35	70	8	62	95
12	70–50	70–50	70–50	31	70	6	62	115

CHART NO. 5.—*Making an emergency application*

Piston travel (inches)	Brake pipe	Auxiliary reserve	Quick action chamber	Brake cylinder			Emergency reserve	Pressure accelerated release started	Pressure brake pipe in accelerated release	Pressure in auxiliary reserve and brake cylinder after accelerated release	Release time after accelerated release (seconds)	Equalization auxiliary reserve and emergency reserve after accelerated release	Recharge time (seconds)
				1st stage	2d stage	3d stage							
4	70–0	70–64	70–0	15	53	64	64	21	46	54	99	60	125
5	70–0	70–63	70–0	15	50	63	63	22	45½	53	98	59	130
6	70–0	70–61	70–0	15	47	61	61	22½	44½	52½	96	58	135
7	70–0	70–60½	70–0	15	46	60½	60½	23	43	52	85	57	135
8	70–0	70–60	70–0	15	45	60	60	23	43	52	83	57½	140
9	70–0	70–60	70–0	15	43	60	60	23	42	52	80	56½	145
10	70–0	70–57½	70–0	15	42	57½	57½	23	41	50½	74	55	150
11	70–0	70–57	70–0	15	42	57	57	23	40	50½	71	54½	165
12	70–0	70–56	70–0	15	42	56	56	23	39	50	69	54	175

QUESTIONS ON A–B VALVES AND PISTON TRAVEL

DIRECTIONS: Read the questions carefully. The answer is either "Yes" or "No." Place a check mark in front of the word you think is the correct answer.

Question 1. Will there be more than 9 to 10 pounds in the brake cylinder where the piston travel is 4 inches and a 5-pound service reduction is made?

Answer: ( ) Yes. ( ) No.

Question. Does the brake pipe reduce more than 5 pounds where the piston travel is 8 inches and a 5-pound service reduction has been made?

Answer: ( ) Yes. ( ) No.

Question 3. Will the brake cylinder pressure be 9 to 10 pounds even with 11-inch piston travel where a 5-pound service reduction has been made?

Answer: ( ) Yes. ( ) No.

Question 4. Does the emergency reservoir recharge the auxiliary reservoir from 60 to 65 pounds during recharge and release after a 10-pound service reduction has been made, having 8-inch piston travel.

Answer: ( ) Yes. ( ) No.

Question 5. Do we get 21 pounds more in the brake cylinder with 4-inch piston travel than with 8-inch piston travel when a 15-pound service reduction has been made?

Answer: ( ) Yes. ( ) No.

Question 6. Does the brake release as easily on a 4-inch piston travel brake as on an 8-inch piston travel brake where a 20-pound service reduction has been made?

Answer: ( ) Yes. ( ) No.

Question 7. Does the pressure in the brake cylinder vary on its first stage buildup with different piston travels when an emergency application has been made?

Answer: ( ) Yes. ( ) No.

Question 8. Is the air all drained from the emergency reservoir during an emergency application?

Answer: ( ) Yes. ( ) No.

Question 9. Does the brake cylinder and auxiliary reservoir equalize with the brake pipe in accelerated release?

Answer: ( ) Yes. ( ) No.

Question 10. Does the emergency reservoir recharge the auxiliary to 57½ pounds after accelerated release, where the piston travel is 8 inches?

Answer: ( ) Yes. ( ) No.

KEY: "No" is the answer to questions 6, 7, 8, and 9. "Yes" is the answer to the rest.

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Senator SMATHERS. Thank you very much.

The next witness we have is Mr. George E. Vawter, who is representing the National Council of Farmer Cooperatives. Mr. Vawter is the traffic manager of the Sun-Maid Raisin Growers of California, of Fresno, California.

STATEMENT OF GEORGE E. VAWTER, NATIONAL COUNCIL OF FARMER COOPERATIVES

Mr. VAWTER. Thank you, Mr. Chairman, and members of the subcommittee. You have copies of my prepared statement.

I would like to say that I thank you for the opportunity of appearing before you today as it is necessary for me to return to San Francisco tomorrow to preside at the Pacific Coast Shippers Advisory Board, of which I am general chairman.

Senator SMATHERS. We are happy to accommodate you and happy to have your testimony.

Mr. VAWTER. Thank you, Senator.

Also, I would like to have about 15 minutes, but I will try to skip over what portions of our testimony we feel should be in the record.

Senator SMATHERS. Would you delay a moment while we get your statement distributed to those in the room.

You may proceed, Mr. Vawter.

Mr. VAWTER. Thank you.

My name is George E. Vawter. I am traffic manager of Sun-Maid Raisin Growers of California, a farmer-owned and farmer-controlled marketing association with more than 3,000 members. Its headquarters are at Fresno, Calif. I have held this position since March 1945, and have been associated with the Sun-Maid organization in transportation work for 23 years.

Today, however, I appear before your subcommittee as a witness of the National Council of Farmer Cooperatives, with headquarters at 744 Jackson Place NW., Washington, D. C., in opposition to S. 1490.

Senator SMATHERS. We may stop there just for a second. This is off the record.

(Discussion off the record.)

Senator SMATHERS. All right, sir. You may proceed.

Mr. VAWTER. Thank you.

Sun-Maid Raisin Growers is a member of the council and I was chairman in 1955, and since have been a member of the council's transportation committee, known as the National Agricultural Cooperative Transportation Committee. I am at present general chairman of the Pacific Coast Shippers Advisory Board and have been affiliated with other regional and national shipper organizations.

We appreciate the opportunity to appear before your committee today as a council witness to discuss with you, out of our experience in arranging transportation for food products to consumers across the country, why we believe the proposal in this bill is not only unnecessary and unwise, but is contrary to the best interests of farmers, consumers, taxpayers, and the public generally.

The bill on its face may appear innocent, simple, and constructive and any Member of the Congress might very properly wonder at first glance why any individual, or group of individuals, interested in promoting safety on the highways could be opposed to it. Should that question be in your mind, I hope to answer it.

In short, the proposal would require by statute annual registration with the Commission by all private and exempt motor carriers, and others which under present law are subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment.

The bill would even require the registration of any and all of the farmers of the Nation who occasionally—once or twice a season—might take some load of their products to market in a neighboring State in their own trucks or haul a load of fertilizer or other farm supplies from out of State to their farms. According to the latest agricultural census (1954), 2,211,561 farms in the country reported ownership of 2,701,247 motortrucks. The present ownership would be considerably higher. A considerable number of these farm trucks undoubtedly have occasion from time to time to move across State lines—which would be subject to the registration requirements of this legislation.

The authority for the council's opposition to this registration proposal is contained in a policy resolution adopted by the council's dele-

gate body in annual session at Chicago, Ill., on January 17, 1957, reading as follows:

> We are opposed to the recommendation of the Interstate Commerce Commission in its 69th annual report that all private and exempt carriers be required to register with the Commission, since we believe that the enforcement of safety regulations, rather than additional legislation, is the solution.

In the Commission's justification for S. 1490, transmitted by ICC Chairman Owen Clarke to Senator Magnuson on March 5, 1957, and printed in the Congressional Record of March 5, 1957, at page 2727, it is stated that:

> The Commission's only purpose in requesting legislation requiring the filing of statements by carriers subject only to its safety regulations is to make it possible to send them information and educational material to promote better compliance, and thereby help reduce the number of accidents on the Nation's highways.

The justification also states:

> Although no data have been accumulated, it has been recognized that many very serious accidents are traceable to ignorance or disregard of the Commission's regulations by such carriers.

We hope you will keep these statements in mind as I explain our opposition to this legislation.

Close to 5,000 agricultural business associations are represented in the council's membership, marketing practically every type of farm products, and in many cases procuring the major types of farm production supplies. Council members and the farmers they serve are users of every type of surface transportation—railroads, common and contract motor carriers, as well as exempt motor carriers operating under sections 203 (b) (4a), (5), and (6) of the Motor Carrier Act.

This bill would particularly apply to these exempt carriers. Our members from a business standpoint have a vital stake in the prompt and safe transportation and delivery of their farmers' products to market. From a humanitarian and responsible public interest standpoint, we share fully the concern of the Commission, the Congress, and other economic groups that all vehicles, transporting either property or persons over our highways, shall observe reasonable safety regulations and precautions.

Then why are we opposed to this apparently simple registration requirement?

It would represent an opening wedge toward the economic regulation of private and exempt motor carriers.

Senator LAUSCHE. May I interrupt you at this time?

Mr. VAWTER. Yes, Senator.

Senator LAUSCHE. Is it your understanding that the language of the present bill would operate upon private owners of trucks?

Mr. VAWTER. Yes, sir, in interstate commerce.

Senator LAUSCHE. In interstate commerce.

Mr. CLARKE. Yes.

Senator LAUSCHE. They would not have to be licensed carriers under State laws or otherwise?

Mr. CLARKE. No.

Senator LAUSCHE. It would operate upon all?

Mr. CLARKE. That is right; it does at the present time.

Mr. VAWTER. We impute no hidden motives to the Interstate Commerce Commission but this recommendation must be viewed in the

context and against the background of the Commission's other official actions and public expressions over the past years and at the present time.

The Commission opposed the complete exemption from economic regulation of trucks hauling agricultural commodities when the Motor Carrier Act was passed in 1935 and has time and again proposed and advocated the narrowing of the exemption even down to the present time. It is unnecessary to review the various recommendations in the form of specific bills endorsed by the Commission during the past 20 years which would have either repealed or restricted the exemption for trucks operating under the agricultural commodities exemption in section 203 (b) (6) of the act. Congress has consistently and uniformly, after a review of all pertinent facts, rejected all such restrictive proposals.

In the Commission's 70th annual report, containing the registration recommendation, there appears on page 162 recommendation No. 5, reading as follows:

> 5. We recommend that section 203 (b) (6) be amended so as to limit the exemption of motor vehicles transporting agricultural commodities, fish, and livestock to transportation from point of production to primary market.

Presumably, the Commission will in due course furnish your committee, if they have not already done so, draft legislation to implement this recommendation. A bill, H. R. 5823, which would severely restrict and in large part destroy the practical value of the exemption in section 203 (b) (6) to farmers has already been introduced in the House of Representatives to carry out the Commission's recommendation.

If and when hearings are held on such proposal, we will appreciate an opportunity to present facts to show why such action would be detrimental to the best interests of agriculture and our general economy. We mention this recommendation now only in order to remind you of the present official thinking of the Commission and its continuing desire to restrict the agricultural commodities exemption.

Undeniably, the interests and needs of the shipping public have become secondary and the asserted financial needs of the regulated surface carriers have become of first importance in the Commission's administration of the Interstate Commerce Act.

On an even broader front, the Commission has widely publicized its desire to curtail the activities of the so-called nonregulated motor carriers with the announced purpose of diverting their traffic to the common carriers. A review of the Commission's total legislative program, as set forth in its 70th annual report to Congress, indicates that in large part it is designed to do exactly that.

Eighteen of the 26 legislative recommendations would provide changes affecting transportation by motor vehicle. Out of those 18, 10 are restrictive against other than common motor carriers. Even though some of these recommendations may have merit, we cannot, and we believe the Congress should not, overlook the distinctively biased common-carrier pattern that they portray.

The official attitude of the Commission toward private and exempt motor carriers has also clearly been revealed in the course of the consideration of the so-called trip-leasing legislation by the Congress during the 4-year period from 1953 to 1956. Three or four hearings

were held before the Senate Commerce Committee or subcommittees thereof, and both the chairman of the Senate committee, Senator Magnuson, and the chairman of this subcommittee, Senator Smathers, and other members, devoted many hours to the development of constructive legislation to prohibit the Commission from putting into effect its originally proposed leasing rules, which would have put many agricultural haulers out of business and seriously disrupted the distribution of farm products throughout the country. I know you are aware of the high degree of cooperation afforded you by the council and other farm groups in trying to work out a sound solution to the leasing problem.

The instant legislation is designed to give the Commission additional authority to place further requirements on the very same carriers which Congress has said should not be subjected to economic regulation. This continuing effort to expand its authority over the exempt carriers raises the honest question in our minds as to the extent to which the Commission's efforts are motivated by safety objectives and the extent to which the objective of curbing the legitimate operations of private and exempt motor carriers is dormant and may be activated when safety is no longer needed as a stimulus to public appeal.

The proposed registration would result in expense to the Government and taxpayers without compensating safety benefits.

In view of the present state of the Federal budget, it is imperative to examine carefully any new proposal which will call for more personnel and expenditure of public funds to see if it is justified on the basis of the benefits it might reasonably be expected to produce. The Commission's expressed purpose for the legislation, as I have stated, is to make it possible to send to the affected motor carriers information and educational material to promote better compliance.

Assuming that it is true, as stated in the Commission's justification for this legislation, that "many very serious accidents are traceable to ignorance or disregard of the Commission's regulations," for what reason does the Commission believe that a statute merely requiring registration would be more widely publicized, known, and heeded than its own safety regulations—or the present law authorizing such regulations—by the hundreds of thousands of private and exempt motor carriers throughout the country, many of whom are constantly, from week to week, and month to month, changing their status and business? It just does not make sense—from a practical point of view—to believe that a law of Congress, requiring a farmer or other owner-operator of a truck in some small town in one of the States who does some seasonal hauling of agricultural commodities to market, would be brought to his attention more readily and more certainly than the present requirements of the Interstate Commerce Act which authorize the promulgation of safety regulations.

We all know that whenever Congress passes a new law, no matter how simple, which calls for administration by an executive department or independent commission, it is the historic pattern in our Federal Government that immediately a new program begins to develop and soon it pyramids. It seems that there must always be more personnel both in Washington and the field to carry out the program. This registration proposal obviously would not be self-executory. It would cost money. Then we would find the Commission coming to the ap-

propriation committees for more money for this activity. I pause here to remind you that the farmers of the Nation today are clinging to the lowest rung on our economic ladder. In 1956 the index of the prices received for their products was at the lowest point since 1946 and on February 15, 1957, the index of prices paid by farmers for production supplies and necessities for family living, including interest, taxes and wage rates, was at an alltime high.

Naturally, today in the face of these conditions, farmers want to know the justification for proposed new Federal expenditures.

It is claimed today by some that the reason the Federal budget sent to the Congress by the President for the next fiscal year is so large is the result of the action of pressure groups throughout the country seeking new programs or the retention and in many cases the expansion of existing programs. We point out that Government, itself, is often the most powerful pressure group of all. This registration proposal is one program that the farmers feel is unneeded and unjustified and should not be authorized.

It should be noted that in the last session of Congress, funds were appropriated to enable the Commission to add substantially to its field staff. We are now hearing of the activity of this additional personnel and undoubtedly it will enable the Commission to carry out more effectively its enforcement responsibilities for existing laws.

We do pose these questions. What has been the effect of all these new moves in the electrifying name of "safety"? Has the effect been measured nationally by the Interstate Commerce Commission? What is the anticipated effect? We do not believe there has been sufficient time for the full effect of these new measures to be evaluated on a national scale by the ICC.

Therefore, it seems to us that it is sound administrative procedure and good business judgment, before Congress considers authorizing an entire new program of national registration of all private and "exempt" carriers, with its serious potential dangers of further extending the regulatory power of the Federal Government over private business operations that we await the results of the stepped-up safety enforcement program now in progress.

Before leaving this point, I would like to point out that these safety regulations of the ICC are not a simple and short set of rules. I hold in my hand a booklet published by the Amercian Trucking Associations, Inc., containing the Revised Safety Regulations, effective July 1, 1952, with amendments to July 1, 1956. Neither the ICC nor the Government Printing Office has at this time in a single package edition the rules currently in effect or to any recent date. The rules in this book cover 103 pages in fine print, not including the regulations governing the transportation of explosives and other dangerous articles.

I have read certain portions of this and I thought, myself, that they are quite complex. For example, the hours of driving rule, it would be very difficult for the average truckdriver or even truckowner to really comprehend without a good deal of study.

Senator SMATHERS. Let me ask you a question. You don't mean, of course, that the farmer would be concerned with the transportation of explosives and other dangerous articles?

Mr. VAWTER. No, this is the 103 pages without that. I only meant it was 103 pages without the hauling of the explosives regulations.

Senator PURTELL. Does that also contain State regulations, so that these carriers would have that information or does this apply only to Federal regulations?

Mr. VAWTER. This is Federal regulation, to my knowledge.

Senator LAUSCHE. Mr. Chairman, will you elaborate on your question? What did you mean?

Senator SMATHERS. He said the rules in this book cover 103 pages in fine print not including the regulations governing the transportation—I see, I didn't read the "not including." Of course, actually the farmer, as such, would not be concerned with that anyway, because he is only hauling fertilizer, oranges, and tomatoes and things of that nature anyway.

Senator LAUSCHE. He would, under the provisions of the bill, however, be required to comply with it regardless of what he carries.

Mr. VAWTER. That is right, sir.

Senator SMATHERS. Except that, of course, the farmer—the reason he has it is that it is an agricultural exemption. So he is not authorized as such to carry any of these etiological matters, nor even certain types of explosives, except that you might need an explosive to dig a ditch or something of that nature, ordinary dynamite. So that wouldn't pertain to him.

Senator LAUSCHE. What I have in mind: Under the provisions of the bill, the farmer would have to respond or answer this suggested form that has been submitted, is that correct, regardless of whether he carried material that was explosive or bacterially dangerous, is that correct?

Is that your understanding?

Mr. VAWTER. My understanding would be that he would have to comply with the regulations of the Commission.

Senator SMATHERS. Only, however, I think we might get this point straight here now. Mr. Chairman, you participate in this little discussion which we will have here.

Mr. CLARKE. All right.

Senator SMATHERS. The Senator from Ohio, his question is directed as to whether or not these farmers are going to have to comply with all of the rules and regulations which are now in existence.

Mr. CLARKE. They have to comply now, Mr. Chairman. They are subject to all these rules at the present time.

Senator SMATHERS. But those rules I might say to you, only have to do with safety.

Mr. CLARKE. That is right, and hours of service of the drivers.

Senator SMATHERS. Hours of service of the drivers and things like that.

Senator LAUSCHE. What about the farmer that drives his own truck, does he have to comply with hours of service?

Mr. CLARKE. Yes, sir, if he is in interstate commerce.

Senator PURTELL. Am I correct in my understanding now that they are subject to these laws now?

Mr. CLARKE. Yes.

Senator PURTELL. What you are asking,—I don't know it is all you are asking is that you be given a list so that you can see that they are notified and informed as to what these regulations are, is that correct?

Mr. CLARKE. That is all. We merely want to know who these interstate carriers are, where they are located, whether they are farmers or anything else.

Mr. PURTELL. Those now subject to the law?

Mr. CLARKE. That is right.

Senator SMATHERS. Let's go one step further. Mr. Vawter has indicated that there is a little book which has all the regulations in it with respect to safety, which any farmer driving his own truck or hiring it out may read. Those are the ones that he has to be familiar with.

Is it your proposal, if, for example, we should pass the law and if they had to register with you, would you then have some booklet which you would send to them?

Mr. CLARKE. Yes, in a very simplified form that anybody could read and understand instantly.

Senator SMATHERS. So actually what you are seeking to do is to be able to get the information to the driver of a truck, whether he is a farmer. In most instances it is a private carrier or a farmer. They have to obey the regulations anyway.

Mr. CLARKE. That is it; that is all there is to it.

Mr. VAWTER. I could point out that this regulation has been in effect many, many years, and the Commission has failed to do so so far. The Commission has never put out anything in a simplified form that the farmer could read.

Senator SMATHERS. We talked about that earlier. It is a thing with Government agencies. Often Government agencies don't make regulations very simple.

Senator LAUSCHE. This may require a bit of repetition, but will you give your reasons why you think that this is unsound in face of the description of its applicability as just given?

Mr. VAWTER. Senator, in the pages going along further we would like to point out that there is a better way of doing it.

Senator LAUSCHE. All right, proceed.

Senator SMATHERS. Go ahead.

Mr. CLARKE. Mr. Chairman, may I interrupt here?

Senator SMATHERS. Yes.

Mr. CLARKE. We do publish a complete compilation of our safety regulations that are applicable to farmers. We happen to be out of print right now, but the Government Printing Office is in process of printing a new batch. All we want to do is send these to the people that should have them, the farmers, the ones that are subject to them.

Senator PURTELL. Presently how do they obtain them? By requesting them?

Mr. CLARKE. They don't obtain them at all unless we happen to run into them on the highway and give them a copy.

Senator PURTELL. They are available through the Government Printing Office?

Mr. CLARKE. Yes.

Senator PURTELL. At a charge?

Mr. CLARKE. Yes, I imagine probably 50 cents or something like that.

Senator SMATHERS. They would be available, it is a public document?

Mr. CLARKE. Yes.

Senator SMATHERS. But you don't send them out now?

Mr. CLARKE. We have no mailing list. That is what we are seeking.

Senator PURTEL. Although it is not relevant necessarily to what you are testifying to, Mr. Chairman, have we had any estimate as to what it would cost to do this?

Mr. CLARKE. I have just been advised that we don't charge the interstate operator anything. We send them out free. Now the only cost is whatever the Government Printing Office charges us to print them and we have to have them printed anyway.

Senator SMATHERS. I think you could get an idea. He testified on page 4, in the first part of his testimony, that this means that about 96,000 such carriers have not been served with the regulations nor received notice, other than through general notice to the public that they are subject to the regulations. So I would conclude that what you propose to do would be to send out this sort of thing, or if you didn't send them out, you would have somebody contact them; so there would be 96,000 plus those that are already receiving the list.

Mr. CLARKE. Yes, the ones that we know about have received them free of charge. It costs 25 cents otherwise.

Senator LAUSCHE. The purpose would be to acquaint these 96,000 with what the law and regulations are?

Mr. CLARKE. Yes, the laws and regulations to which they are already responsible.

Senator SMATHERS. Under which they are supposed to be operating at present?

Senator LAUSCHE. Yes. That is, you feel that the regulations and the laws are so many that it is impossible for this particular citizen to know them unless he is directly contacted to be made acquainted?

Mr. CLARKE. Yes.

Senator PURTELL. You speak of 96,000, but the witnesses have testified to over 2 million people who may be liable to this. Would it be your intention to see that these 2 million would be supplied?

Mr. CLARKE. As I understand his statement, Senator, he was referring to the number of vehicles. Most of them have more than one vehicle.

Mr. VAWTER. I was referring to the number of farms, Mr. Chairman, the number of farms having trucks.

Senator SMATHERS. He said there were that many farmers, 2 million-so-many farmers and there were 2,170,000 trucks.

Mr. CLARKE. But that many farmers don't engage in interstate commerce. There is just a small fraction of them.

Senator PURTELL. Is you estimate of 96,000 the estimate of those farmers who would be engaged in interstate commerce, or where does the figure 96,000 come from?

Mr. CLARKE. It is our best estimate of the number of exempt agricultural haulers who are now moving interstate.

Senator PURTELL. I see. Thank you.

Senator SMATHERS. All right, Mr. Vawter, you may go ahead, sir.

Mr. VAWTER. Thank you, sir.

Some of these rules are unquestionably more important from the standpoint of promoting safety on the highways than others. In their entirety they represent an imposing volume to be comprehended by the hundreds of thousands of farmers, other private truck owners and

"exempt" haulers throughout the length and breadth of our country, many of whom own only a single truck that occasionally moves across State lines.

We believe that proper emphasis by the Commission on a digest of the most important of these regulations, appropriately distributed with the aid of interested trade groups throughout the country could accomplish much more through voluntary compliance than any statutory requirement for registration. This brings me to my last point.

Senator PURTELL. Before you get there. We have had figures given here, one in excess of two million owners of trucks. Have you or your organization any idea as to the number that are engaged in interstate commerce that are exempt under the act?

Mr. VAWTER. No, not to my knowledge. We could not pinpoint that, because in many places, take in the Middle West particularly, although I am in California now, I was formerly a corn husker and there are many, many trucks, farmers' trucks, operating from Iowa over into the stockyards in Nebraska and so on, and vice versa, in many places, and I think that would be prevalent there.

The number of them would be very, very difficult to really tie down.

Senator PURTELL. So that actually the figure of two million, in excess, doesn't tie in with those that would be engaged in interstate commerce and the only figure available to us is the figure given by the Commission of 96,000?

Mr. VAWTER. That would be correct insofar as their estimate, plus the number that would be in the farms, but we could not estimate it.

Senator SMATHERS. Mr. Vawter, may I ask a question there. Apparently from your last recommendation, which I think has considerable merit, you concede, however, that it would be well if these farmers—we are principally talking about farmers, and privately owned trucks—could get this information?

Mr. VAWTER. We have no question of that, sir. It is the method of doing so.

Senator SMATHERS. In other words, the end result which the Commission seeks to achieve and that which you also seek to achieve is the same, but your objection is that you don't believe that the way to do it is the way that has been recommended in this bill?

Mr. VAWTER. That is right, Mr. Chairman.

Senator SMATHERS. You want to do it by a voluntary method. In other words, I gather that you think possibly that a voluntary method handled through trucking associations and groups of that nature would be better? Wasn't that your last paragraph?

Mr. VAWTER. It was devoted to the method of disseminating this information which we feel could be done through the farm groups and united trade organizations, much more easily, and also through the States themselves.

Senator SMATHERS. Let me ask you this question: You would agree, of course, that it is important that any man who drives a truck on the highway know about these regulations, would you not?

Mr. VAWTER. That is agreed, sir.

Senator SMATHERS. Why has not this already been done, if that is important and if it can be done through voluntary means and it should be done, we will say, through farm groups and things, why has it not been done up to this time?

Mr. VAWTER. Many States are doing so, Senator, and I think that possibly the better way to approach this would be from a State angle through State registration and so forth, because every truck is registered there. I think every State should have these regulations whether they are in inter- or intrastate commerce.

So far as we in the National Council are concerned, and I have a list of the other farm groups that we feel sure would also be very happy to cooperate, we feel that method is far better than sticking another law on the books that would just be a law without proper enforcement or proper compliance or some making them comply. They have ample legislation at the present time to do what they are proposing to do.

Senator LAUSCHE. It looks to me as if Mr. Vawter is calling upon what happened in the ancient Babylonia, where Hammurabi passed many laws and he had them inaccessibly written. The laws were many and people didn't know what they were. They couldn't find out. Well, it pointed up two problems. One that maybe he had too many laws, and maybe restrictions were imposed that were not necessary, and secondly that to learn them they had to climb the pillars up on the top of the building to find out what was written there. I don't know what my eventual judgment in this matter will be, but I see both aspects of it rather clearly.

Senator SMATHERS. I might say, right there, that I think that is what we are trying to do. I think the whole intent and purpose of what the Commission is seeking to do is to get this information down from off the pillars where one has to climb to get it, whereupon the only place they would have to go is out to their mail box to get it. That is what they are trying to do.

The question is, is it necesary to have it done that way? I don't know.

Senator PURTELL. The witness has brought out a very interesting point. Of course, the ICC can address itself only to matters interstate. After all a vehicle that is hazardous to life and limb on the highway doesn't necessarily have to be engaged in interstate commerce. It could also be engaged in intrastate commerce. As a matter of fact in some States that is where the accidents occur.

You propose now that the States do it. Are the States now doing it, and how many are doing it?

Mr. VAWTER. I think practically all of them have very, very strong laws.

Senator PURTELL. That is a general statement.

Mr. VAWTER. Yes. I would say in California that we have very, very strong laws on safety regulation requirements and the highway patrol is very active in enforcing them.

Senator PURTELL. When they are violated. Are they checking the motor vehicles to see if they are in compliance?

Mr. VAWTER. Every time they go over a State scale.

Senator PURTELL. In other words, the objective is, of course, to cut down highway accidents, to make it safer, whether they be interstate or intrastate.

Again I will say that the Commission can address itself only to interstate commerce. After all, as the Senator from Ohio knows, having the law on the books is not the important thing, but it is having the public know what it is and obeying it that counts.

Do you know how many States in fact do have these laws, not only have them, but disseminate information about them?

Mr. VAWTER. No, sir.

Senator PURTELL. Do the farm organizations that you speak of do that?

Mr. VAWTER. Not to my knowledge.

Senator PURTELL. So what you are presently suggesting be done is not presently being done, is that correct?

Mr. VAWTER. We operate in our exempt carriers and farmer carriers, we do it in our own organization, yes, in other words, Sun Maid Raisin Growers of California, our own farmer truckers we do, that is State regulations and State laws for requirement of safety of operation of motor vehicles.

I operate through licensed brokers so far as exempt carriers go, they also pass out the laws of the State of California, but to my knowledge, until the chairman said that these were available, I have never seen any of the ICC regulations.

Senator PURTELL. You see the point I think he made if I understand correctly, and again I missed a portion of his testimony, was that these laws are now on the statute books, they are subject to these Federal laws, they are trying to do exactly what you said should be done at the State level, they are trying to see that at least those that are subject to regulations of ICC will be in possession of this information, not only the knowledge of the law is on the statute books, but what that law is.

You propose that this be done at the State level. I am interested in finding out——

Senator LAUSCHE. Would the Senator yield to me for just a moment?

Senator PURTELL. Yes, be very happy to.

Senator LAUSCHE. I think we ought to erase from our mind here in Washington the erroneous impression that the States are not conscious of the need of adopting laws and regulations for the promotion of safety on the highways.

I was a governor for 10 years. I was with other governors and know that their concern is equal to, if not greater than, the genuine concern of the Federal Government about safety on the highways. We should not arrogate to ourselves the erroneous judgment that here in Washington we know what should be done, but on the State level they do not know.

I think the States are trying to cope with this problem rather adequately and more often the mistake is made here in feeling that we have got to tell out of the capital what every little citizen should do and that the local governments and the State governments don't know what should be done.

Senator PURTELL. I am in accord with the feelings of the Senator from Ohio and I would like to see the government returned to the States at every level. But there are certain obligations that are imposed upon Commissions such as the ICC, one of them is these laws which we, here, our legislators, you and I, our predecessors have passed, that the public is subject to. I am not arguing one way or the other about this. I will say this, as long as the law is on the statute books, I think the proposal is to find out how the people can find out more about it so that they can obey it.

91289—57——10

Senator SMATHERS. I agree completely with what the Senator from Ohio said, but I think we all recognize that every member of the Senate has not been a governor of his State.

But I think we recognize that there is a limit to State authority on transportation that crosses State lines. I know in Florida that we can't say what Ohio is doing, and so forth. So the Federal Government has had to work out the rules and regulations with respect to crossing State lines. That is what we are vitally concerned with now.

You have come in, Mr. Vawter, with what I think are some very fine suggestions, but the question would be this: Has this National Council of Farmer Cooperatives which you are here representing today, ever sent out a booklet to all their members as to what the regulations are in interstate commerce with respect to safety.

Mr. VAWTER. Could I refer to the general counsel of the cooperative?

Senator SMATHERS. Yes.

Mr. VAWTER. Mr. Harmonson?

Mr. HARMONSON. My name is L. J. Harmonson, Jr.

Senator SMATHERS. And I might add one of the great backers of the farmer and always a man who does a good job and who is always on the job.

Mr. HARMONSON. Thank you, Senator.

To my knowledge, the council has never sent a complete set of safety regulations. I do know of my own personal knowledge that in the course of the consideration and investigation of the regulations in Ex Parte 40 some years ago that we did communicate to our entire membership as to the consideration of that proceeding in order that they might participate in that proceeding as it progressed. You know we have to cover the waterfront and the farmers don't have too much money to be sending out—there is enough voluminous material we have to send out anyway, and our people are trying to do a job and don't have too much time to read. But we have tried to bring to their attention these safety regulations, although we have never sent out the complete compilation.

Senator SMATHERS. You would have no objection to your people having this information if they don't already have it?

Mr. HARMONSON. Not only that, but we would be helpful in seeing that a digest is promulgated, and in the central office we would see that all truckers, exempt farmers and private trucks, that they were distributed in the ordinary course of their business in order to build up public support for safety regulation.

Senator SMATHERS. All right, sir.

Is that the conclusion of your testimony?

Mr. VAWTER. No. If it is satisfactory to the chairman of the committee, I would like to finish this.

Senator SMATHERS. Go right ahead.

Mr. VAWTER. The facilities and cooperation of National and Regional Trade Groups of Shippers and Carriers and Appropriate State Agencies should be sought by the Commission to aid in voluntary compliance with the safety regulations in lieu of mandatory registration.

Farm groups are often accused of being negatively against transportation proposals and lacking in constructive suggestions.

We believe the above suggestion is practicable, constructive and, if tried, would bring more tangible results and bring them more

promptly, by way of voluntary compliance with motor carrier safety requirements than a legislative program of mandatory registration.

I cannot, of course, speak for any other organization, but I am authorized to say, on behalf of the council, that its central office would gladly cooperate with the Commission in a program designed to disseminate through our membership "information and educational material to promote better compliance" with safety regulations. The council's direct members have approximately 5,000 separate marketing and purchasing associations affiliated with them.

Many of these organizations operate trucks exempt under sec. 203 (b) (5) of the Motor Carrier Act, and many more deal with farmers who may operate their own trucks under sec. 203 (b) (4a) and with owner-operators of trucks operating under sec. 203 (b) (6) of the act.

In addition, I feel confident that a high degree of cooperation could be obtained by the Commission, if desired and sought, from such other national organizations as the American Farm Bureau Federation, The National Grange, National Farmers Union, United Fresh Fruit & Vegetable Association, International Apple Association, National Federation of Grain Cooperatives, National Milk Producers Federation, Vegetable Growers Association of America, American Association of Nurserymen, Inc., and others in adequate program to convey information concerning motor carrier safety requirements to their members throughout the country who are using tens of thousands of "exempt" haulers in their business operations.

This might not afford the Commission a long list of names and addresses which however would continually be subject to change, to maintain in Washington or to send to their regional offices but it should produce concrete and substantial results in the form of true compliance with safety regulations.

It is our belief that through such a cooperative program pertinent information concerning the safety regulations could be brought to the attention of practically all of the private and for hire carriers regularly hauling agricultural commodities which are exempt from economic regulation by the Commission.

We have noted that the Commission's most recent field estimates indicate there are about 92,000 private carriers operating about 844,000 vehicles that are subject to the Commission's safety regulations. There are certainly a number of national organizations such as the National Industrial Traffic League, the Private Truck Council of America, Inc., the Private Carrier Conference of the American Trucking Associations, Inc., the National Canners Association, and others which could be helpful in getting information concerning the Commission's safety regulations to the members of their organizations if they would cooperate and I believe many of them would. This should give broad coverage to the nonagricultural segment of the private carrier field and should certainly be worth the effort.

In addition, a cooperative educational program might include efforts on the part of the Commission to have the State bureaus of motor vehicle registration include with annual truck license certificates an appropriate notice calling attention to the Federal motor carrier safety regulations.

I recognize that the ICC's jurisdiction in safety matters applies only to trucks moving from State to State. But the matter of the distinction between trucks with intrastate and interstate movements should present no insurmountable difficulty to work out some cooperative arrangements with State motor vehicle registration bureaus, if the will to do so is present.

Any of these voluntary cooperative programs would require consultation and some time to perfect but they would have the advantage of building up a broad public support and understanding which should add great strength to the Commission's safety enforcement procedures.

The council stands ready to work with the Commission in any such voluntary cooperative program. Mandatory registration, we believe, is a wrong approach and we urge your committee to disapprove S. 1490.

(The complete statement of Mr. Vawter is as follows:)

STATEMENT OF NATIONAL COUNCIL OF FARMER COPERATIVES IN OPPOSITION TO S. 1490

Mr. Chairman and members of the subcommittee: My name is George E. Vawter. I am traffic manager of Sun-Maid Raisin Growers of California, a farmer-owned and farmer-controlled marketing association with more than 3,000 members. Its headquarters are at Fresno, Calif. I have held this position since March 1945 and have been associated with the Sun-Maid organization in transportation work for 23 years.

Today, however, I appear before your subcommittee as a witness of the National Council of Farmer Cooperatives, with headquarters at 744 Jackson Place, NW., Washington, D. C., in opposition to S. 1490. Sun-Maid Raisin Growers is a member of the council and I was in 1955 chairman, and since have been a member, of the council's transportation committee, known as the National Agricultural Cooperative Transportation Committee. I am at present general chairman of the Pacific Coast Shippers Advisory Board and have been affiliated with other regional and national shipper organizations.

We appreciate the opportunity to appear before your committee today as a council witness to discuss with you out of our experience in arranging transportation for food products to consumers across the Nation why we believe the proposal in this bill is not only unnecessary and unwise, but is contrary to the best interests of farmers, consumers, taxpayers, and the public generally.

The bill on its face may appear innocent, simple and constructive and any Member of the Congress might very properly wonder at first glance why any individual, or group of individuals, interested in promoting safety on the highways could be opposed to it. Should that question be in your mind, I hope to answer it.

Specifically, the bill would add a new section 226a to part II of the Interstate Commerce Act, as amended, reading as follows:

"Sec. 226a. In order to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment, have adequate knowledge of such rules and regulations and to promote compliance therewith, each such carrier shall, on or before September 1 of each year, file with the Commission a statement, in such manner as the Commission may prescribe, showing (1) the name of the carrier, (2) the location or principal address of the carrier, and (3) the number of vehicles owned or operated."

In short, the proposal would require by statute annual registration with the Commission by all private and exempt motor carriers, and others which under present law are subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment. The bill would even require the registration of any and all of the farmers of the Nation who occasionally, once or twice a season, might take some of their products to market in a neighboring State in their own trucks or haul a load of fertilizer or other farm supplies from out of State to their farms. According to the latest agricultural census (1954), 2,211,561 farms in the country reported ownership of 2,701,247 motortrucks. The present ownership would be considerably higher. A considerable number of these farm trucks un-

doubtedly have occasion from time to time to move across State lines and would be subject to the registration requirements of this legislation.

The authority for the council's opposition to this registration proposal is contained in a policy resolution adopted by the council's delegate body in annual session at Chicago, Ill., on January 17, 1957, reading as follows:

"We are opposed to the recommendation of the Interstate Commerce Commission in its 69th annual report that all private and exempt carriers be required to register with the Commission, since we believe that the enforcement of safety regulations, rather than additional legislation, is the solution."

(It should be noted that the pertinent recommendations in both the 69th and 70th annual reports of the Commission are substantially the same. The recommendation in the 70th annual report, which S. 1490 is designed to implement, had not been released at the time of the council's annual meeting in January 1957.)

In the Commission's justification for S. 1490, transmitted by ICC Chairman Owen Clarke to Senator Magnuson on March 5, 1957, and printed in the Congressional Record of March 5, 1957, at page 2727, it is stated that:

"The Commission's *only purpose* in requesting legislation requiring the filing of statements by carriers subject only to its safety regulations is to make it *possible to send them information* and *educational material* to promote better compliance, and thereby help reduce the number of accidents on the Nation's highways." [Italics added.]

The justification also states:

"*Although no data have been accumulated*, it has been recognized that many very serious accidents are traceable to ignorance or disregard of the Commission's regulations by such carriers." [Italics added.] (Such carriers refer to noncertificated carriers.)

We hope you will keep these statements in mind as I explain our opposition to this legislation.

Close to 5,000 agricultural business associations are represented in the council's membership, marketing practically every type of farm products and in many cases procuring the major types of farm production supplies. Council members and the farmers they serve are users of every type of surface transportation—railroads, common and contract motor carriers, as well as exempt motor carriers operating under sections 203 (b) (4a), (5), and (6) of the Motor Carrier Act. This bill would particularly apply to these exempt carriers. Our members, from a business standpoint, have a vital stake in the prompt and safe transportation and delivery of their farmers' products to market. From a humanitarian and responsible public-interest standpoint, we share fully the concern of the Commission, the Congress, and other economic groups that all vehicles transporting either property or persons over our highways shall observe reasonable safety regulations and precautions.

Then why are we opposed to this apparently simple registration requirement?

IT WOULD REPRESENT AN OPENING WEDGE TOWARD THE ECONOMIC REGULATION OF PRIVATE AND EXEMPT MOTOR CARRIERS

We impute no hidden motives to the Interstate Commerce Commission but this recommendation must be viewed in the context and against the background of the Commission's other official actions and public expressions over the past years and at the present time.

The Commission opposed the complete exemption from economic regulation of trucks hauling agricultural commodities when the Motor Carrier Act was passed in 1935 and has time and again proposed and advocated the narrowing of the exemption even down to the present time. It is unnecessary to review the various recommendations in the form of specific bills, endorsed by the Commission, during the past 20 years which would have either repealed or restricted the exemption for trucks operating under the agricultural commodities exemption in section 203 (b) (6) of the act. Congress has consistently and uniformly, after a review of all pertinent facts, rejected all such restrictive proposals.

In the Commission's 70th annual report, containing the registration recommendation, there appears on page 162 recommendation No. 5, reading as follows:

"5. We recommend that section 203 (b) (6) be amended so as to limit the exemption of motor vehicles transporting agricultural commodities, fish, and livestock to transportation from point of production to primary market."

Presumably, the Commission will in due course furnish your committee, if they have not already done so, draft legislation to implement this recommendation. A bill, H. R. 5823, which would severely restrict and in large part destroy

the practical value of the exemption in section 203 (b) (6) to farmers has already been introduced in the House of Representatives to carry out the Commission's recommendation. If and when hearings are held on such proposal, we will appreciate an opportunity to present facts to show why such action would be detrimental to the best interests of agriculture and our general economy. We mention this recommendation now only in order to remind you of the present official thinking of the Commission and its continuing desire to restrict the agricultural commodities exemption. Undeniably, the interests and needs of the shipping public have become secondary, and the asserted financial needs of the regulated surface carriers have become of first importance in the Commission's administration of the Interstate Commerce Act.

On an even broader front, the Commission has widely publicized its desire to curtail the activities of the so-called nonregulated motor carriers with the announced purpose of diverting their traffic to the common carriers. A review of the Commission's total legislative program, as set forth in its 70th annual report to Congress indicates that in large part it is designed to do exactly that. Eighteen of the 26 legislative recommendations would provide changes affecting transportaton by motor vehicle. Out of those 18, 10 are restrictive against other than common motor carriers. Even though some of these recommendations may have merit, we cannot, and we believe the Congress should not, overlook the distinctively biased common carrier pattern that they portray.

The official attitude of the Commission toward private and exempt motor carriers has also clearly revealed in the course of the consideration of the so-called trip-leasing legislation by the Congress during the 4-year period from 1953 to 1956. Three or four hearings were held before the Senate Commerce Committee or subcommittees thereof, and both the chairman of the Senate committee, Senator Magnuson, and the chairman of this subcommittee, Senator Smathers, and other members, devoted many hours to the development of constructive legislation to prohibit the Commission from putting into effect its originally proposed leasing rules, which would have put many agricultural haulers out of business and seriously disrupted the distribution of farm products throughout the country. I know you are aware of the high degree of cooperation afforded you by the council and other farm groups in trying to work out a sound solution to the leasing problem.

That rulemaking proceeding instituted by the Commission on January 9, 1948, was purportedly designed originally and primarily to improve safety. It was extremely expensive in both time and money to the transportation industry, the Interstate Commerce Commission, the courts, the Department of Agriculture, various agricultural interests, and the Congress. The final outcome of this proceeding, as your committee knows, was the passage of Public Law 957 in the 2d session of the 84th Congress. This statute provided the Commission with authority to prescribe the rules and conditions under which the vehicles of nonregulated carriers might be employed by the regulated carriers. The dominant purpose of ex parte No. MC–43 and Public Law 957 was directed to improvement of safety of nonregulated carriers, although it was amply demonstrated time and again in the record of the hearings that the actual safety record of nonregulated carriers compared favorably with the safety record of the regulated carriers.

The instant legislation is designed to give the Commission additional authority to place further requirements on the very same carriers which Congress has said should not be subjected to economic regulation. This continuing effort to expand its authority over the exempt carriers raises the honest question in our minds as to the extent to which the Commission's efforts are motivated by safety objectives and the extent to which the objective of curbing the legitimate operations of private and exempt motor carriers is dormant and may be activated when safety is no longer needed as a stimulus to public appeal.

THE PROPOSED REGISTRATION WOULD RESULT IN EXPENSE TO THE GOVERNMENT AND TAXPAYERS WITHOUT COMPENSATING SAFETY BENEFITS

In view of the present state of the Federal budget, it is imperative to examine carefully any new proposal which will call for more personnel and expenditure of public funds to see if it is justified on the basis of the benefits it might reasonably be expected to produce. The Commission's expressed purpose for the legislation, as I have stated, is to make it possible to send to the affected motor carriers information and educational material to promote better compliance. Assuming that it is true, as stated in the Commission's justification for this legislation, that "many very serious accidents are traceable to ignorance or disregard of the Commission's

regulations," for what reason does the Commission believe that a statute merely requiring registration would be more widely publicized, known, and heeded than its own safety regulations, or the present law authorizing such regulations, by the hundreds of thousands of private and exempt motor carriers throughout the country, many of whom are constantly from week to week and month to month, changing their status and business. It just does not make sense, from a practical point of view, to believe that a law of Congress requiring a farmer or other owner-operator of a truck in some small town in one of the States that does some seasonal hauling of agricultural commodities to market would be brought to his attention more readily and more certainly than the present requirements of the Interstate Commerce Act which authorize the promulgation of safety regulations.

We all know that whenever Congress passes a new law, no matter how simple, which calls for administration by an executive department or independent commission, it is the historic pattern in our Federal Government that immediately a new program begins to develop and soon it pyramids. It seems that there must always be more personnel both in Washington and the field to carry out the program. This registration proposal obviously would not be self-executory. It would cost money. Then we would find the Commission coming to the appropriation committees for more money for this activity. I pause here to remind you that the farmers of the Nation today are clinging to the lowest rung on our economic ladder. In 1956 the index of the prices received for their products was at the lowest point since 1946 and on February 15, 1957, the index of prices paid by farmers for production supplies and necessities for family living, including interest, taxes and wage rates was at an all-time high! Naturally, today in the face of these conditions, farmers want to know the justification for proposed new Federal expenditures.

It is claimed today by some that the reason the Federal budget sent to the Congress by the President for the next fiscal year is so large is the result of the action of pressure groups throughout the country seeking new programs or the retention and in many cases the expansion of existing programs. We point out that Government itself is often the most powerful pressure group of all. This registration proposal is one program that the farmers feel is unneeded and unjustified and should not be authorized.

It should be noted that in the last session of Congress, funds were appropriated to enable the Commission to add substantially to its field staff. We are now hearing of the activity of this additional personnel and undoubtedly it will enable the Commission to carry out more effectively its enforcement responsibilities under existing law.

We understand that on September 18, 1956, the Commission issued an order in which it authorized 108 employees, of its 16 field district offices, to place "Out of Service" stickers on vehicles found to be in noncompliance with the Commission's safety regulations.

In recent months the Commission has also set up a system of road checks under which the extent of safety violations has been recorded.

During the first part of this year orientation conferences were conducted for 2 weeks at the Interstate Commerce Commission offices in Washington in which 66 field representatives (most of whom were new employees) were reportedly schooled with respect to the Commission's safety regulations and matters concerning their enforcement.

These are positive steps and the Congress is to be commended for providing the additional personnel for this stepped-up enforcement activity with respect to safety regulations. It should bear results. As a representative of a responsible agricultural shippers' organization, I say we are in accord with this program so long as it is geared strictly to improvement of "safety on the highways" and not misused as a means of driving nonregulated motor vehicles from the highway.

We do pose these questions. What has been the effect of all these new moves in the electrifying name of "safety"? Has the effect been measured nationally by the Interstate Commerce Commission? What is the anticipated effect? We do not believe there has been sufficient time for the full effect of these new measures to be evaluated on a national scale by the ICC.

Therefore, it seems to us that it is just sound administrative procedure and good business judgment, before Congress considers authorizing an entire new program of national registration of all private and "exempt" carriers, with its serious potential dangers of further extending the regulatory power of the Federal Government over private business operations that we await the results of the stepped-up safety enforcement program now in progress.

Before leaving this point, I would like to point out that these safety regulations of the ICC are not a simple and short set of rules. I hold in my hand a booklet published by the American Trucking Associations, Inc., containing the revised safety regulations, effective July 1, 1952, with amendments to July 1, 1956. Neither the ICC nor the Government Printing Office has at this time in a single package edition the rules currently in effect or to any recent date. The rules in this book cover 103 pages in fine print, not including the regulations governing the transportation of explosives and other dangerous articles.

Some of these rules are unquestionably more important from the standpoint of promoting safety on the highways than others. In their entirety they represent an imposing volume to be comprehended by the hundreds of thousands of farmers, other private truckowners and "exempt" haulers throughout the length and breadth of our country, many of whom own only a single truck that occasionally moves across State lines. We believe that proper emphasis by the Commission on a digest of the most important of these regulations, appropriately distributed with the aid of interested trade groups throughout the country could accomplish much more through voluntary compliance than any statutory requirement for registration. This brings me to my last point.

THE FACILITIES AND COOPERATION OF NATIONAL AND REGIONAL TRADE GROUPS OF SHIPPERS AND CARRIERS AND APPROPRIATE STATE AGENCIES SHOULD BE SOUGHT BY THE COMMISSION TO AID IN VOLUNTARY COMPLIANCE WITH THE SAFETY REGULATIONS IN LIEU OF MANDATORY REGISTRATION

Farm groups are often accused of being negatively against transportation proposals and lacking in constructive suggestions.

We believe the above suggestion is practicable, constructive and, if tried, would bring more tangible results and bring them more promptly, by way of voluntary compliance with motor carrier safety requirements than a legislative program of mandatory registration.

I cannot of course speak for any other organization but I am authorized to say, on behalf of the council, that its central office would gladly cooperate with the Commission in a program designed to disseminate through our membership "information and educational material to promote better compliance" with safety regulations. The council's direct members have approximately 5,000 separate marketing and purchasing associations affiliated with them. Many of these organizations operate trucks exempt under sec. 203 (b) (5) of the Motor Carrier Act, and many more deal with farmers who may operate their own trucks under sec. 203 (b) (4a) and with owner-operators of trucks operating under sec. 203 (b) (6) of the act.

In addition, I feel confident that a high degree of cooperation could be obtained by the Commission, if desired and sought, from such other national organizations as the American Farm Bureau Federation, the National Grange, National Farmers Union, United Fresh Fruit and Vegetable Association, International Apple Association, National Federation of Grain Cooperatives, National Milk Producers Federation, Vegetable Growers Association of America, American Association of Nurserymen, Inc., and others in an appropriate program to convey information concerning motor carrier safety requirements to their members throughout the country who are using tens of thousands of "exempt" haulers in their business operations. This might not afford the Commission a long list of names and addresses which however would continually be subject to change, to maintain in Washington or to send to their regional offices but it should produce concrete and substantial results in the form of true compliance with safety regulations.

It is our belief that through such a cooperative program, pertinent information concerning the safety regulations could be brought to the attention of practically all of the private and for-hire carriers regularly hauling agricultural commodities which are exempt from economic regulation by the Commission.

We have noted that the Commission's most recent field estimates indicate there are about 92,000 private carriers operating about 844,000 vehicles that are subject to the Commission's safety regulations. There are certainly a number of national organizations such as the National Industrial Traffic League, the Private Truck Council of America, Inc., the Private Carrier Conference of the American Trucking Associations, Inc., the National Canners Association, and others which could be helpful in getting information concerning the Commission's safety regulations to the members of their organizations if they would cooperate and I believe many of them would. This should give broad coverage to the nonagricultural segment of the private carrier field and should certainly be worth the effort.

In addition, a cooperative educational program might include efforts on the part of the Commission to have the State Bureaus of Motor Vehicle Registration include with annual truck license certificates an appropriate notice calling attention to the Federal motor carrier safety regulations. I recognize that the ICC's jurisdiction in safety matters applies only to trucks moving from State to State. But the matter of the distinction between trucks with intrastate and interstate movements should present no insurmountable difficulty to work out some cooperative arrangements with State motor vehicle registration bureaus, if the will to do so is present.

Any of these voluntary cooperative programs would require consultation and some time to perfect but they would have the advantage of building up a broad public support and understanding which should add great strength to the Commission's safety enforcement procedures.

The council stands ready to work with the Commission in any such voluntary cooperative program. Mandatory registration, we believe, is a wrong approach and we urge your committee to disapprove S. 1490.

Senator SMATHERS. Are there any questions, Senator Purtell?

Senator PURTELL. Your objection is wholly on the basis or registration?

Mr. VAWTER. That is right, sir.

Senator PURTELL. You agree with the objectives of the Commission?

Mr. VAWTER. Perfectly, sir.

Senator SMATHERS. Senator Lausche, do you have any more questions?

Senator LAUSCHE. No.

Senator SMATHERS. May I ask Chairman Clarke this question: What sort of a penalty do you provide in the Senate bill 1490? Are there any penalty provisions connected in the event the private farmer or carrier did not send in his registration card?

Mr. CLARKE. We don't propose a specific penalty in this bill. A violation of section 226a would be penalized by the general provision in part II of the Interstate Commerce Act. I think that would be a $100 fine.

Senator SMATHERS. What would be the situation if, for example, a young fellow or maybe an older fellow, wanted to go into the farming business and they buy themselves a truck and decide on raising fresh vegetables? They had not previously, of course, known about this, and there is no way for any of these people to know, that is, for any of the associations to know that somebody had suddenly gone into business. There is that fellow, moving his vegetables from Florida up to Cleveland, Ohio, and he is stopped along the way. If Senate Bill 1490 were on the books, you didn't have any way of knowing that he had just gone into business, his association had no way of knowing he was going into the business. Would that fellow be penalized?

Mr. CLARKE. No, not unless we could prove knowledge on his part. He would have to knowingly violate rules and regulations that he knew about. He would have to have knowledge of the rules and regulations before he could be found guilty.

Senator LAUSCHE. What about the failure to answer this questionnaire or send in this card; would that be a violation of law?

Mr. CLARKE. Yes; it would.

Senator LAUSCHE. Subject to criminal prosecution?

Mr. CLARKE. A penalty of a $100 fine; yes.

Senator LAUSCHE. That is, the citizen who did not know of this regulation, on failure to file that card, would be subject to prosecution?

Mr. CLARKE. He wouldn't be subject to prosecution for violating a regulation. He would be subject to prosecution for violating the law. I think the passage of the law is notice to everybody, but not adoption of a rule or regulation.

While I am on my feet, may I correct some figures that I gave previously?

Senator SMATHERS. Yes; we would appreciate your doing so.

Mr. CLARKE. The total number of private carriers operating in interstate commerce—this includes farmers and nonfarmers, all private carriers regardless of what they haul—our best estimate is 91,500, including the farmers. They operate 844,000 vehicles.

Senator SMATHERS. What portion of that 91,000 would you say are farmers?

Mr. CLARKE. I don't have that information. However, in addition, there are approximately 48,000 for-hire agricultural haulers, some of whom are farmers, but they are in a common-carrier business hauling exempt agricultural commodities; 48,000 of those operating 226,000 vehicles, according to our best estimate, and a total of only 1,500,000 trucks of all categories operated by regulated and nonregulated, certificated and non-certificated, private, common, and contract, in the entire United States, which would be required to register.

Senator SMATHERS. Presuming, and I know this is a correct presumption that all of us here are trying to solve problems and not create problems, what you people are interested in is seeing that these men who drive and own the trucks know the regulations under which they must operate.

Mr. CLARKE. That is right.

Senator SMATHERS. Don't you believe what has been suggested by Mr. Vawter, that is if all these organizations sent out to their various members the information in a simplified form which could be easily understood, don't you believe, first, that that would be successful in getting the information to those truckdrivers; and, secondly, that it would save the Government, the Federal Government, some money, in the sense that they would not have to employ more people to go through these cards or send the cards out and still accomplish the same result which you gentlemen are trying to accomplish? Why isn't that a good idea?

Mr. CLARKE. It certainly would be helpful, but it would not result in complete coverage.

Senator SMATHERS. Is that because all of the people who drive trucks do not belong to their associations?

Mr. CLARKE. Plus the fact that he is referring only to farm organizations, as I understand it, and there are a great many private carriers that don't have anything to do with agricultural commodities.

Senator SMATHERS. Suppose we could get the private carriers groups to agree to do the same thing. What we are trying to do as Senators, is to try to help you solve the problem. We are trying to do it in the most expeditious and inexpensive way.

Mr. CLARKE. That is what we want to do.

Senator SMATHERS. That is what you want and what we want. Which is the better way to do it? He has made a suggestion, and we would like to hear from you as representing the Commission——

Mr. CLARKE. These groups have shown little, if any, interest in this problem up to date. Whether they would really do it is a question.

Senator SMATHERS. This is the first time then that this so-called offer of circularizing their membership with respect to these regulations has been offered?

Mr. CLARKE. Yes.

Senator SMATHERS. Would you be satisfied, would you feel that you would have accomplished your result if these organizations did do what they say they were going to do?

Mr. CLARKE. It certainly would help, Mr. Chairman, but personally I don't think that we would get the complete coverage that we need. The principal violators are those people that don't belong to organizations. They are individuals who operate on their own. They have little regard for rules and regulations unless they are brought forcibly to their attention. We feel in addition to mailing that type of person we have to go see him and talk to him.

Senator SMATHERS. Mr. Vawter, let's hear what you have to say.

Mr. VAWTER. I would like to suggest to the chairman that I believe possibly that his reference to the latter group of carriers, he is speaking of the exempt commodity carriers who shift with the programs and so on. In the group that I personally am in contact with, through my truck brokers, I have in excess of 300 of these so-called exempt carriers which the chairman is referring to. I know that that is in California alone. I know that many of these are in the other 48 States, operating mostly through truck brokers, and they can be reached through shippers of exempt commodities much more ably than, I believe, the Commission could spend their time running them down from State to State, following the crops. And on his other objection about the common carriers, and so forth, I believe if he will refer to page 11 of my testimony where I suggested organizations such as the National Industrial Traffic League, the Private Carrier Truck Council of America, the Private Carrier Conference of the American Trucking Association, National Canners Association, and so forth, also will be contacted.

I believe that covers the group he was referring to at the last.

Mr. CLARKE. The fact remains to date nothing has been done and we are finding over 90 percent of these particular trucks that we stop on the highway have defects, it is that serious.

Senator PURTELL. May I ask Chairman Clarke a question? I would like to explore a little more what the Senator from Ohio said in regard to the penalty. This, of course, would be an amendment to the Interstate Commerce Act.

Mr. CLARKE. Yes.

Senator PURTELL. Is there not a broad penalty clause that states that you are subject to a penalty for violation of the rules and regulations and, if so, would this not then be a violation subject to a penalty, nonregistration?

Mr. CLARKE. It would be a violation of the act and subject to a penalty of $100 fine.

Senator PURTELL. That is what I thought. So if they fail to register they would be subject to penalty of $100 fine.

Mr. CLARKE. Just a moment. The statute reads:

> Any person knowingly and willfully violating any provision of this part.

Senator PURTELL. I see. That answers the question. Thank you.

Senator SMATHERS. Any other questions? If not, thank you.

Senator LAUSCHE. I would like to have one further question.

Senator SMATHERS. Very well.

Senator LAUSCHE. With regard to State laws, to what extent in those States where, let's assume, they have adopted a modern approach, do their laws deal with the same subjects that you are dealing with and to what extent do they not?

Mr. CLARKE. First of all, Senator, approximately half of the States have adopted our safety regulations as their own. The other half have not.

Senator LAUSCHE. All right. Half of them have adopted your safety regulations and therefore in those States, every trucker, whether intrastate or interstate, is answerable to those laws?

Mr. CLARKE. That is right. I might say those are the progressive States that have been mostly concerned about this problem. However, even those States can't enforce all of our rules and regulations, even though they adopted them. For instance, hours of service.

Senator LAUSCHE. Hours of service. What else?

Mr. CLARKE. I would have to ask for some advice.

Senator LAUSCHE. That is exactly what I am trying to find out.

Mr. CLARKE. Inspection and maintenance, that is another type of regulation that a State can't very well enforce on an interstate carrier.

Senator LAUSCHE. It is a fact, isn't it, that most States are now adopting laws for compulsory inspection of all types of vehicles?

Mr. CLARKE. That varies from State to State and it also depends upon the particular requirements of the State. How often a vehicle has to be inspected or whether it be on a timetable or time schedule or mileage basis or what.

Senator LAUSCHE. They either have inspections each year or twice a year, and if you will look at the map you will find that in the last 5 years, each year, added States are adopting their own laws requiring compulsory inspection.

Mr. CLARKE. And just 2 weeks ago the State of Pennsylvania requested the ICC to adopt a nationwide inspection system for all interstate trucks. We figured it up and it would cost a minimum of $5 million, so we are not proceeding with that suggestion.

Senator LAUSCHE. All right. I would like to get your reasons for the opposition, Mr. Vawter. I thought you mentioned something of cost, the driving of a wedge which will induce further Federal supervision and control.

Mr. CLARKE. That is right, Senator.

Mr. VAWTER. That is right. We feel the cost of this would necessitate the setting up of another committee or a group inside of the ICC to enforce this law, which would naturally pyramid, cost more money to keep track of people who are constantly moving from place to place, especially the exempt haulers. And I have pointed out the Commission had, ever since 1935, consistently attempted to reduce and restrict the movement of agriculture by these exempt haulers through the various laws that they have put before Congress which have not been successful.

They have, as I say, in the 70th annual report as I read in my prepared statement, they also again are bringing back from the farms to the primary market to be the end of the exemption.

Senator LAUSCHE. One more question. You emphasized the farmer. Do you represent commercial haulers? That is your association and yourself, or are you—you emphasized the farmers. I want to know to what extent you are representing the commercial haulers in the giving of your testimony here.

Mr. VAWTER. I am not representing the commercial haulers whatsoever, only as a shipper. I am representing the shippers group and so far as commercial haulers I am not representing them whatsoever.

Senator LAUSCHE. That is all I have.

Senator SMATHERS. Chairman Clarke, let me ask you another question or two.

Mr. CLARKE. Yes, sir.

Senator SMATHERS. I presume, of course, and I think this would be a correct presumption that you, would be glad to, in the preparation of a simplified codification of these regulations which truckers ought to know about, take into consideration the farm groups so that it might be written in such a fashion, easily understandable, is that right?

Mr. CLARKE. Yes.

Senator SMATHERS. Would you mind standing up, please, so I can know that you are reading me all right?

Mr. CLARKE. All right.

Senator SMATHERS. Secondly, we have had an offer here today made which had previously not been made. I think that every member of the Senate would like to see an accomplishment of what you say would like to bring about, representing the Commission, and what the representatives of the farm groups say they want to see, that everybody knows what the laws are.

Our job is, as I say, to try to solve these problems, not to try to create new ones. You can see as far as we are concerned it would be much less expensive to the Government if these organizations would contact and disseminate this information out among their members, not only this group but all the other groups which have truckers, agricultural or exempt truckers. Why would it not be a good idea? And this will be the question we will be confronted with after you gentlemen are gone and we are trying to decide what to do. Why would it not be a good idea to see if these men are good as their word. Let's see if the ICC prepares for them a simple codification of the rules and regulations governing the interstate movement of trucks. Why don't we wait a year and see if they will disseminate this information to their members then when you run a check next year, instead of finding some 60 percent of them who don't know anything about the rules, that is, the drivers don't know anything about the rules and regulations, it may come in that everybody but 10 percent know, in which event we have accomplished what both of us are trying to accomplish without additional expense to the Government. Why is not that a good idea?

Mr. CLARKE. We certainly welcome the help and cooperation of any organization that wants to assist us in disseminating these rules and regulations. I think it is a good idea. I still feel, however, that it won't completely solve the problem.

Senator SMATHERS. All right, sir.

Senator PURTELL. Mr. Chairman, I would like to ask you a question.

If the States had safety rules, if all of the States had safety rules and enforced them, there would be little need for your proposal?

Mr. CLARKE. That is right.

Senator PURTELL. All right. Now, is it a fact or isn't it that many of the States do not have safety rules that you at the level of the Interstate Commerce feel are adequate, that they lack those rules?

Mr. CLARKE. Yes, there are many such States.

Senator PURTELL. But if the States did have the rules, and I am getting down to something pretty fundamental in our thinking here fundamentally, that if the States had exercised what would appear due regard for the safety of others, there would be little need for this type of proposal?

Mr. CLARKE. That is right. However, they haven't adopted or enforced such rules. As a matter of fact, their assocition, the Association of State Governments, has appealed to the ICC to do more in this particular field. If I may, I would like to ask Commissioner Arpaia to comment on that.

Senator PURTELL. In other words, here is a case where the States are coming to a Federal Agency and are saying, "Help us"?

Mr. CLARKE. That is right.

Mr. ARPAIA. About 4 years ago, immediately following the presidential conference on safety, you probably know Mr. Frank Bane, who is the staff member of the Council of State Governments, met with Division 1, of which I was then a member, and we probed this entire problem, and he said at the time, "We are all concerned about this matter of safety," and he said, "What would you consider to be the ideal so that there could be more effective cooperation between the States, and they want to do a job?" Well, I said then at the time that the most desirable Utopia would be to have these States substantially adopt the safety regulations which apply to interstate commerce. He thought it was a great idea. He went into that subject pretty thoroughly. It isn't that it is a mechanical problem. He pointed out that in certain States you have to legislate every regulation. In certain States it is the State highway commissioner who has charge of this, in other instances it is some other officer.

As a practical problem, it is very difficult for those States to accomplish this within a certain time. Now, there are certain States that have adopted our regulations and that was following that conference, 4 years ago. But obviously it is a practical problem, because of the mechanics involved.

I think these States are very concerned about this whole problem, it is probably the most pressing problem that faces this country, this question of safety.

Senator SMATHERS. Have the States actually appealed to the ICC?

Mr. ARPAIA. Yes.

Senator SMATHERS. Asking that the ICC incorporate a plan such as that which is envisoned in this bill?

Mr. ARPAIA. This is one of the things that I think there is absolutely no difference of opinion on by anybody who is concerned with safety. I think to try to read into this proposal something that isn't there, if this simple registration method which would insure the knowledge of these people—and we are not interested in enforcement, we are interested in compliance—if this is a forerunner, a precursor of some other legislation, it would have to come out of this Congress. After all, we don't legislate, we are bringing this problem here before you

because it is a problem. And in my opinion we spend millions and millions of dollars in this country to try to keep these highways safe. Obviously these road checks that we have made have shown that there is not sufficient knowledge on the part of people who are engaging in interstate commerce, that is in interstate commerce, of the regulations which apply to them. That is all we want to do, is let them know.

Senator LAUSCHE. May I ask you. How do you enforce your regulations or your laws upon the driver or the operator of a truck?

Mr. ARPAIA. The certificated operator, you mean?

Senator LAUSCHE. No, the private operator.

Mr. ARPAIA. You see the purpose of this registration, it only requires the name and the address and number of vehicles. If a man has a substantial number——

Senator LAUSCHE. Answer my question. How many men do you have enforcing on the roads of Ohio, your men?

Mr. ARPAIA. We have a district supervisor there. With how many inspectors? Eight, I am told, about 8 inspectors.

Senator LAUSCHE. Eight. Now you rely upon the State highway patrol and the local municipal officials and the local sheriffs to enforce the laws?

Mr. ARPAIA. No, they are the ones that make the arrest after a complaint, but they can't enforce the laws because after all, it is not their law, it is not a State law. That is what Mr. Bane was after.

Senator LAUSCHE. But isn't it a fact, as has been told, there are 48 States that now have adopted your code?

Mr. ARPAIA. No.

Mr. CLARKE. Twenty-four.

Senator LAUSCHE. Twenty-four, yes, half of them, 50 percent. I am thinking of half of 96 Senators. [Laughter.]

Senator LAUSCHE. Isn't it true that from the standpoint of actual law enforcement, you have got to depend upon State highway patrols, sheriffs and local policy?

Mr. ARPAIA. To make the arrests. Not to educate the people and inform them.

Senator LAUSCHE. Then this program is one of education?

Mr. ARPAIA. That is all we are after here, because the fact of the matter is, as I started to explain, if we talk about the individual farmer who occasionally makes a trip, he isn't too much of a problem. It is the man who is regularly doing so.

Mr. Vawter, I noticed in his statement, said that these people change their status and some other word he used, from time to time. It is exactly the big problem, we can't reach those people who are traveling around, who should have this knowledge.

Now we could furnish examples of the type of equipment that we have had found, the fact that they have no concept about this thing. Now, if it is an individual operator who operates a single truck, and he gets this piece of mail, and he knows what those requirements are, that is about as far as we can go. We couldn't possibly—but if he has a fleet of trucks, we do the very same thing we do with the certificated fleet operators, we send the supervisor in there, we show him what we expect, what the maintenance and inspection methods should be, how to watch these things and what to prepare for, and actually indoctrinate those people.

We are not interested in enforcement; we are interested in compliance.

Senator LAUSCHE. After the White House conference, isn't it a fact that each of the 48 States went back with definite educational programs and that the conference decided that the matter of education must be developed in the local communities by the service clubs, by the churches, by the chambers of commerce?

Mr. ARPAIA. Insofar as State laws, that is right.

Senator LAUSCHE. And you are wanting to establish an educational program out of Washington?

Mr. ARPAIA. No, because those educational matters that are done at the State level involve State matters, consciousness of safety.

Senator LAUSCHE. On that score—well I will not indulge in this colloquy.

Mr. ARPAIA. The fact is, this whole thing as I say, if you try to read into this something that isn't there, that this is a precurser to another step, obviously the best guarantee against anything like that would be the fact that—I mean if there was such a thing, and it is attributing a motive that isnt' there, Congress would have to enact anything like that and they could stop it right then and there. And if it is a question of the penalty involved here, I, as an individual, I would just as soon see a penalty of $1. The big thing is to get these people informed.

We don't want to punish anybody unnecessarily, but everything should have a fair opportunity to know.

Senator LAUSCHE. If you are thinking that I am complaining about the $100 penalty, you are in error. What I am fearing is that we are adopting so many laws in Washington and so many regulations that practically every citizen is a violator of law without knowing it.

Mr. ARPAIA. Senator Lausche, they are subject to that law now. The only alternative would be—I mean you don't have a law on the books for the safety of the public and have a Commission swear to enforce that law and then put them in the position where they can't do that job, and let me tell you that that is one of the most pressing things that we have on our shoulders because of this problem of safety on the highways.

And we get blasted time and time again, every time there is an accident. They don't blame anybody else; they blame the Commission.

Senator LAUSCHE. I might say to you that as far as the Interstate Commerce Commission is concerned, that the State of Ohio in promoting safety on its highways, with reference to commercial trucks, went far beyond what your Commission ever tried to do.

Mr. ARPAIA. Yes, and we are very glad that Ohio is that way, but that is not every State.

Senator LAUSCHE. And you know that we ran into difficulties with your Commission because you were more liberal than we were with regard to highway safety.

Mr. ARPAIA. Well, we have our standards applying to house of service and the condition of the vehicle. We don't control the weight or things of that character.

Senator LAUSCHE. I wish that the record would be supplied with the States which have adopted this maximum safety record and the ones that have not. I have to leave.

Senator SMATHERS. I think that can be done. We will so do that.

(The information referred to is shown at end of Clarke's statement.)

Senator SMATHERS. May I say this, Commissioner Arpaia, we thank you for your comments. I think that we recognize that you people have a major problem. Most of you fellows sitting out there know, as the Senator from Connecticut knows, that we have been through a lot of these problems, particularly with respect to exempt carriers. We are trying to do justice.

Insofar as I am concerned, I want to say it doesn't frighten me that this may be an opening wedge with respect to some future program, because it has got to come to Congress. I don't think the Senator from Ohio or Connecticut or Mississippi or anybody else are going to let them set up any sort of a gestapo. That doesn't frighten me.

What does concern me is whether or not we might not accomplish what you seek by less expensive methods and without the problem of setting up a new agency in the ICC and hiring new Government employees and that sort of thing. That is what I would appreciate hearing you comment on.

Mr. ARPAIA. I can only point out in connection with that that you heard Chairman Clarke this morning testify with reference to this brake bill, for 50 years it has been on the books. We have to be realists. Obviously where it is voluntary and you have no possibility of getting enforcement, you are not going to get results.

Now there you are dealing with experienced carriers who have a direct responsibility for the safety of operation of trains and yet what is the result? Isn't that really the answer?

Senator SMATHERS. That is something to be considered. Senator Purtell?

Senator PURTELL. I wanted to ask a question. It is broader than just the question before us now. You said that you had been working with the States, Commissioner Arpaia, and you found that some States, as a mater of fact, were unable to do the things they would like to do.

Isn't that because of antiquated statutory or constitutional limitations?

Mr. ARPAIA. To a great extent; yes.

Senator PURTELL. In other words, these were passed, were they not, before we had such a problem as we have now, in interstate commerce, or in commerce, itself, on the highways?

Mr. ARPAIA. Mr. Bane pointed out that in some States they would have to have a constitutional amendment to make it possible to adopt the safety regulations of the act.

Senator PURTELL. Mr. Commissioner, the reason I ask that is we run into that so often here where people complain about the operation of the Federal Government in certain fields, which social changes or other changes have made it necessary for some form of government to operate in. We find we get into it because the States don't seem to, frankly, have—I won't say courage, but—the willingness to amend or change their statutes and their constitutions to conform with today's needs.

Mr. ARPAIA. Senator Purtell, the important thing to remember here is that the Constitution of the United States, itself, gives the primary jurisdiction and the exclusive jurisdiction to the United States Government on matters which affect interstate commerce.

Senator PURTELL. That is right.

Mr. ARPAIA. And, therefore, the States could very, very easily say this is not our problem, and they have certain responsibilities that they have to meet intrastate, and they have problems of funds and things like that which are practical, too. And I don't think that the suggestion that was made here is a matter of expense. But let's assume that it did take two clerks to take those cards and make up a card list and make sure that these people got that piece of mail, with the stake involved here, I think that anybody who is in charge of the enforcement of the safety of the highways of this country, interstate commerce, would feel ashamed that they couldn't spend money for 2 clerks or 3 clerks and a little postage.

Senator SMATHERS. Right on that point, why don't you people give us some information as to what it would cost to run this particular program, how many people would be involved, what cost of it would be, how you would get it out and so on?

(The information referred to is shown at the end of Clark's statement.)

Mr. CLARKE. We would be glad to furnish that information, but as Commissioner Arpaia pointed out, it would be nominal. We are dealing with something between 100,000 and 150,000 postcards and mailings. We need no more highway safety inspectors.

Senator SMATHERS. 150,000 postcards. I thought you were going to send this to every person who has a truck.

Mr. CLARKE. No, just those engaged in interstate commerce. Of course, all of the regulated ones already have these rules and are familiar with them.

Senator SMATHERS. How do you know when a man first buys a truck whether he is going to be in interstate commerce?

Mr. CLARKE. He knows—we don't know. He knows.

Senator SMATHERS. How do you know who to send it to?

Mr. CLARKE. The law would require him to notify us by August 30 of each year, or September.

Senator SMATHERS. If he bought a truck for the transportation of certain goods across a State line then he would have to fill out the card?

Mr. CLARKE. If that is what he expects to do.

Senator SMATHERS. Where would he then go to get a card? Let's look at it practically.

Mr. CLARKE. He would have to go to the United States Post Office. We would furnish all the post offices with an ample supply.

Senator SMATHERS. Will you give us a little more detail on this?

Mr. CLARKE. We will be glad to make a cost estimate.

Senator SMATHERS. The Congress is greatly concerned at this time with the so-called nominal values.

Mr. CLARKE. We will give you a proposed budget.

Senator PURTELL. May I ask Mr. Arpaia one more question. Pursuing the subject we were discussing of the inability of the States, because of statutory limitations, to move in the direction that they probably recognize need for movement in—is it not a fact that if the States had moved in these fields in which we have reason to believe movement is necessary, you would have no occasion to do it; is that correct? We are concerned with safety at all levels, we have no business injecting ourselves at the State level, but certainly we would like to see safety on the highways intra- or interstate.

Mr. ARPAIA. We would have less occasion.

Senator PURTELL. Less occasion, all right. So the States have not moved forward enough, so that something has to be done, and you do it in the field that you can operate.

Mr. ARPAIA. No State can possibly enforce the hours of service regulation. They couldn't possibly check the origin of the vehicle and the number of hours that man has been driving.

Senator PURTELL. I am talking about safety.

Mr. ARPAIA. Yes, equipment and compliances.

Senator PURTELL. All right, gentlemen. Thank you very much.

I think this general colloquy we have had here has been very helpful. While we have taken a lot of your time, Mr. Vawter and members of the Commission, we appreciate the remarks which you have had to make.

Mr. VAWTER. Thank you for the opportunity, Senator.

Senator SMATHERS. Mr. Lawrence, you are here ready to testify? Is Mr. Lawrence here?

Mr. LAWRENCE. Yes, sir.

Senator SMATHERS. Mr. Hood, representing the Short Line Railroads, is he here? And Mr. Heiss.

Now let me ask you how many of you—Mr. Lawrence, are you directing your testimony to this particular bill or to all the other bills?

Mr. LAWRENCE. To four, sir.

Senator SMATHERS. Mr. Hood, you are presumably just interested in the railroad bill?

Mr. HOOD. My statement, Mr. Chairman, has to do with 1386 and 1491 and 1492.

Senator SMATHERS. I am trying to get this in some order.

All those who are going to testify against 1490—it would be convenient for us, it certainly would be easier for me to have that opposition expressed at one time.

(Discussion off the record.)

Senator SMATHERS. Mr. Lawrence, will you please come up here and give us your statement.

Mr. LAWRENCE. Yes, sir.

Senator SMATHERS. Off the record.

(Discussion off the record.)

Senator SMATHERS. Mr. Lawrence, you may proceed.

INTERSTATE COMMERCE COMMISSION,
Washington, April 17, 1957.

HON. GEORGE A. SMATHERS,
Chairman, Subcommittee on Surface Transportation,
Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR CHAIRMAN SMATHERS: The Commission is pleased to submit herewith the additional information that you requested during the hearings held March 20 and 21, 1957, on S. 1490, S. 1491, S. 1492, S. 1386, and S. 1463. With your permission, we are also submitting for the record a supplemental statement respecting S. 1490 and S. 1386.

S. 1490 (ICC LEGISLATIVE RECOMMENDATION NO. 8)

The subcommittee requested that it be provided with information respecting the approximate cost to the Commission of the registration of private and exempt carriers as proposed by this measure. Attached hereto as appendix A is an itemized estimate of such cost. We wish to point out, however, that this estimate

represents costs for the first year only, since it includes certain nonrecurring expenses necessary to get the program underway. It is estimated that in subsequent years the total cost will be substantially less, probably in the neighborhood of $20,000 to $25,000 per year.

The subcommittee also asked the Commission to furnish information respecting the number of States which have adopted the Commission's motor carrier safety regulations. All of the States have prescribed regulations varying in degree as to lights, brakes, speed, load limits, etc., which are applicable to commercial vehicles. Such regulations are in addition to the traffic laws applicable to all motor vehicles. In some instances, parts of the State regulations are identical to certain parts of the Commission's motor carrier safety regulations. However, very few of the States have adopted the regulations prescribed by the Commission and made them applicable to interstate motor carriers. There is attached, marked "Appendix B," a breakdown of the various States showing the status of the Commission's motor carrier safety regulations and the regulations respecting the transportation of explosives in each.

S. 1386 (ICC LEGISLATIVE RECOMMENDATION NO. 24)

This measure would amend the Safety Appliance Acts to give the Commission authority to establish rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes.

At the hearing on this bill the subcommittee requested information as to the number of passenger trains and the number of freight trains now operated by the various railroads as compared with previous years in the recent past. The Commission does not maintain such statistics nor do they appear to be available elsewhere. It is believed, however, that certain other statistical information relating to number of cars, train-miles, and car-miles, compiled by the Commission, might be helpful to the subcommittee in this connection. This information, for the years 1950, 1953, 1955, and 1956, is set forth in appendix C attached hereto.

During the course of the testimony, the Commission expressed its willingness to adopt, without hearing, the present provisions of the Association of American Railroads' code respecting the installation, inspection, maintenance, and repair of power or train brakes, making only proposed changes therein and new rules subject to formal rulemaking proceedings. The Commission has been subsequently advised that this is also agreeable to the railroad labor organizations interested in this bill. It would, of course, require a slight change in the bill to permit such adoption without a hearing.

Testimony has been given on this proposed measure to the effect that the interchange rules established by the Association of American Railroads are mandatory and that the prescribed maintenance rules are binding upon every member of the association. This seems questionable in view of the provisions on page 10 of the code of rules, effective January 1, 1957, to the effect that the rules are formulated as a guide to the fair and proper adjustment of all questions between car owner and handling company. Being no more than a guide, members may still accept defective cars notwithstanding the fact that maintenance rules may have been violated.

Testimony has also been given to the effect that "the safety appliance laws say that a car will not be considered defective unless the piston travel is in excess of 10 inches." The Safety Appliance Acts contain no provisions stating that an airbrake with piston travel of 10 inches or more is defective. Apparently these acts have been confused with the Commission's circular No. 8, dated July 1940, wherein the Commission instructed its inspectors to report piston travel as excessive only where it was greater than 10 inches. These were only reporting instructions to Commission inspectors and not a regulation imposed upon the carriers. The purpose of these instructions was to point out a condition which could constitute a potentially defective brake. The Commission has recognized that piston travel of 10 inches may not in and of itself render a brake defective. A Bureau of Safety memorandum dated December 1, 1953, contained the following quotation, which we believe states clearly the Commission's position:

> "Neither the Interstate Commerce Commission nor this Bureau has at any time set the standards which must be met in adjusting piston travel on cars used by common carriers in interstate commerce, but the Bureau of Safety has approved a rule of the AAR which reads:
>
> " 'Piston travel less than 7 inches or more than 9 inches, must be adjusted to nominally 8 inches.'

"Until recently our instructions to Commission inspectors have been to report piston travel as excessive only where it was greater than 10 inches. However, it appears that these instructions have resulted in the general belief that the Bureau of Safety has approved a 10-inch maximum for piston travel, and this in effect practically nullifies the AAR 9-inch limitation quoted above. To correct this impression and to assist in bringing into general effect the standards of maintenance contemplated by the AAR rule, our instructions to our inspectors have been revised so as to require reporting of piston travel when it exceeds the AAR-permitted maximum of 9 inches.

"No order of the Commission covering the matter has been issued, and none is contemplated."

Testimony was further offered respecting the use of the dynamic brake which, it was contended, has materially assisted in improving railroad safety. The "dynamic brake," although an aid in checking the momentum of a train, is only a supplemental device, and does not in any way correct an airbrake defect. It provides a retarding force on the locomotive only and not on any of the cars. It is not intended to be used in lieu of train brakes, nor is it for the purpose of bringing a train to a stop. Moreover, this device is erratic and all retarding effect ceases if an open circuit occurs. In case of failure, there is no built-in protective feature. Clearly, therefore, the "dynamic brake" could not be substituted for proper maintenance of train brakes.

In reply to the supplemental statement of Mr. Richard G. May, vice president, operations and maintenance department, Association of American Railroads, reference is again made to the preface to the code of rules which specifically states "these rules are formulated as a guide * * *." There is no compulsion to perform the work indicated. The interchange rules provide solely for periodic maintenance and repair of individual cars, such as the 3-year interval for freight cars equipped with "AB" brakes. They do not provide for train brake inspections or brake tests. Should a carrier elect to make such periodic repair on a car of foreign ownership, the work must then meet certain prescribed AAR standards, otherwise the carrier performing the work is subject to having its charges therefor canceled. A receiving carrier is often unaware that periodic maintenance is due since many interchange points have no facilities for inspection prior to acceptance. Even assuming that all railroads comply with the interchange rules, which according to our records is not a fact, rules 2 (a) and 2 (k), relied upon by Mr. May, apply only to violations of the Safety Appliance Acts and do not apply to the inspection, maintenance, and repair of airbrakes.

Mr. May asserts in his supplemental statement that it is of the utmost importance that consideration be given by the subcommittee to the Commission's findings in the nine accident reports submitted as exhibits. Excerpts from the findings and conclusions are quoted in the supplemental statement and with the contention "in almost every instance there were glaring man failures." While man failure may be one of the causes contributing to train accidents, every accident is a combination of events, any one of which, if absent, may well have prevented its occurrence. The exhibits were used by the Commission solely for the purpose of showing that deficient or defective air brakes may have been a contributing, although not necessarily the primary, cause of the accident.

In commenting on Ex Parte No. 184, Accident at Union Station, Washington, D. C., Mr. May stated that, upon being advised as to the possible cause of the Washington terminal accident by the mechanical division of the AAR, the railroads immediately took action to check all railroad passenger cars in order that ample clearance would be insured between the angle cock and any fixed parts of the car, and that this action was taken prior to receipt of the Commission's report on this accident.

The accident occurred on January 15, 1953, and the Commission's report was issued on February 17. On March 20, 1953, our Bureau of Safety issued instructions to its field force to ascertain whether or not the AAR's announced action had produced the desired results. The Commission found that all railroads had not taken corrective action. Several months following the Washington terminal accident many instances were found where angle-cock handles were striking structural portions of cars. Even as late as March 7, 1955, one of our inspectors reported the angle cock at one end of a pullman car showed evidence of striking the bottom cross member of the car. As a matter of fact, one railroad did nothing about the Commission's recommendation until other railroads threatened to reject its passenger cars in interchange.

In Ex Parte No. 200, Accidents at Swampscott and Revere, Mass., the Commission's report indicates that the efficiency and reliability of the type of brake

equipment in use in diesel-powered passenger units involved in these accidents has proved satisfactory under normal operating conditions in various classes of service over a considerable period of time. The report also indicated that there was no appreciable deceleration of the train before the accident occurred at Swampscott.

At Swampscott the engineer sounded a whistle signal in response to the flagman's stop signals when the train was approximately 750 feet from the point of collision. Tests have shown that if the brakes of the train involved had been in proper working condition the train should have stopped, and the accident been avoided. At Revere the stopping distance of the train may have been extended as a result of the functioning of the anti-wheel-slide devices. In addition, the Commission has received reports from time to time that the brakes in use on these passanger units are seriously impaired under certain adverse weather conditions. In its accident report the Commission recommended that the Association of American Railroads conduct a series of tests sufficiently comprehensive to determine the operational characteristics of the type of brake involved in these accidents under adverse conditions. Although the report of the Commission was issued on May 6, 1956, to date the AAR has not followed this recommendation. The AAR notified the Commission that the Canadian Pacific Railway planned to conduct brake tests early in 1957 on the type of equipment involved. It was believed that these tests would be made in order to comply with the Commission's recommendation. While the tests were started February 15, 1957, the engineer refused to set up the equipment properly or to simulate the conditions necessary to comply with the recommendation.

Set forth on page 10 of the supplemental statement are figures purportedly taken from an official report of the Commission showing that over a 5-year period an average of 1.38 cars per 100 cars inspected were found to have inoperative or allegedly inefficient airbrakes. We are unable to determine how this average was computed. A tabulation of cars inspected and found defective is shown in the reports of the Section of Railroad Safety to the Interstate Commerce Commission. Using figures contained in these reports for the 3-year period 1954–56, during which a total of 669,057 cars was inspected on both arriving and departing trains, the defects found, including cars set out for repair and those repaired while in the train, were as follows: (These tables include, in addition to other data, tabulations of excessive piston travel.)

Brakes inoperative in addition to cutout brakes	6,792
Excessive piston travel (based on AAR standards)	39,014
Cars set out of departing trains because of defective airbrakes	9,661
Cars having airbrake defects repaired in departing trains	14,003
Total cars defective	69,470

On this basis 10.38 cars per 100 cars inspected were found to have inoperative or inefficient brakes in contrast to the average of 1.38 cars as stated by Mr. May.

The following figures for the same period taken from the same reports respecting the Southern Railway are based on an inspection of 12,030 cars in departing trains. The defects found were as follows:

Brakes inoperative in addition to cutout brakes	6
Excessive piston travel (based on AAR standards)	617
Cars set out of departing trains because of defective airbrakes	170
Cars having air-brake defects repaired in departing trains	742
Total cars defective	1,535

This would indicate that 12.76 cars per 100 cars inspected in departing trains of the Southern Railway were found to have inoperative or inefficient brakes in contrast to Mr. May's figure of .04 cars per 100 cars inspected. In our view this does not indicate any lack of need for legislation because of any near perfect 5-year record.

The supplemental statement stresses the fact that inspection of a particular train was made at Cleveland, Ohio, an intermediate terminal for that train. Inspections are made at intermediate terminals in order to determine the condition in which trains are departing from the preceding initial terminals when our inspectors are not present. Obviously, all the defects in the train referred to in our statement could not develop in the movement of the train from the initial terminal to Cleveland. The carrier did not set out or repair the defective cars in the train before departure from the initial terminal as they probably would have done if a Commission inspector had been present.

The Commission is fully aware of the demands of modern railroading on air brake systems. By its order of May 30, 1945, the Commission required the installation of brakes and appliances in conformity with certain specifications and requirements on all cars used in freight service, except those equipped with passenger-car brakes. Thereafter, the carriers applied the present "AB" air-brake on their freight cars.

We are firmly convinced that since the Commission does not have authority to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of these brakes, it cannot fully meet its responsibility for safe railroad operation. The poor condition of airbrakes, as found by our inspectors, results either from lack of discovery or lack of maintenance. Practices which relegate safety to second place in favor of competitive position are inherently dangerous and should not be permitted.

Respectfully submitted,

OWEN CLARKE, *Chairman.*

APPENDIX A

S. 1490.—Estimated cost of registration of private and exempt carriers

Motor carriers safety regulation to be served on each registering carrier (100,000 at $0.13 each)	$13,000
Postal cards, 500,000	800
Elliott stencils (100,000 at $9.90 per thousand)	990
Total, printing and supplies	14,790
Equipment (desks, chairs, cabinets, etc.)	4,965
Penalty mail (100,000 at .03 cents each and 100,000 at .09 cents each)	12,000
Three GS–4 clerks at $3,415 each	10,245
Total, first full-year costs	42,000

APPENDIX B

Table showing conformity by the several States with Interstate Commerce Commission motor carrier safety regulations and the regulations governing the transportation of explosives or other dangerous articles (Apr. 1, 1957)

State	Motor carrier safety regulations							Explosives or other dangerous articles, regulations adopted	Regulations in effect are generally applicable to carrier class shown below
	Full conformity indicated by "yes"	Adopted or prescribed, those parts indicated by "yes"							
		191 [1]	192 [2]	193 [3]	194 [4]	195 [5]	196 [6]		
Alabama						Yes			For hire.
Arizona		Yes	Yes	Yes	Yes		Yes		Do.
Arkansas	Yes	Yes	Yes	Yes	Yes	Yes	Yes		For hire and private.
California								Yes	For hire.
Colorado								Yes	For hire and private.
Connecticut									For hire.
Delaware									Do.
Florida									For hire and private.
Georgia								Yes	For hire.
Idaho		Yes	Yes	Yes	Yes		Yes	Yes	For hire and private.
Illinois									Do.
Indiana									Do.
Iowa									Do.
Kansas									Do.
Kentucky		Yes	Yes	Yes	Yes		Yes	Yes	For hire.
Louisiana									For hire and private.
Maine									For hire.
Maryland						Yes [7]		Yes [8]	
Massachusetts									For hire and private.
Michigan			Yes	Yes	Yes				For hire.
Minnesota									Do.
Mississippi									For hire and some private.
Missouri									For hire.
Montana		Yes	Yes	Yes	Yes		Yes		Do.
Nebraska									Do.
Nevada		Yes	Yes	Yes					For hire and private.
New Hampshire									Do.

New Jersey								Yes	For hire.
New Mexico		Yes	Yes	Yes		Yes		Yes	Do.
New York		Yes		Yes	Yes	Yes	Yes [9]	Yes	Do.
North Carolina	Yes	Yes	Yes	Yes	Yes	Yes	Yes		For hire.
North Dakota								Yes	Regular route common carrier.
Ohio		Yes	Yes	Yes	Yes		Yes	Yes	For hire.
Oklahoma									For hire and private.
Oregon				Yes				Yes	Do.
Pennsylvania			Yes	Yes		Yes	Yes		Do.
Rhode Island									Part for hire and part for hire and private.
South Carolina	Yes	Yes	Yes	Yes	Yes	Yes			For hire.
South Dakota									Do.
Tennessee									For hire and private.
Texas		Yes [10]	Yes [8]	Yes [8]	Yes [8]	Yes [10]	Yes [10]		
Utah		Yes	Yes	Yes	Yes			Yes	For hire.
Vermont								Yes [11]	For hire and private.
Virginia									Do.
Washington								Yes	Do.
West Virginia		Yes	Yes	Yes	Yes		Yes	Yes	For hire.
Wisconsin									Do.
Wyoming	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	For hire and private.
Washington, D. C.									Do.

[1] Qualifications of drivers.
[2] Driving of motor vehicles.
[3] Parts and accessories necessary for safe operation.
[4] Reporting of accidents.
[5] Hours of service of drivers.
[6] Inspection and maintenance.
[7] Bus and flammable liquid, in part.
[8] For hire and private.
[9] Buses only.
[10] For hire only.
[11] Tank vehicles.

APPENDIX C

Car and mileage information for class 1 railroads

	1950	1953	1955	1956 [1]
Passenger train cars	37,146	33,948	35,002	[2]
Freight carrying cars	1,721,231	1,776,781	1,698,791	[2]
Total	1,758,377	1,800,729	1,733,793	
Train-miles, freight	514,970,639	492,409,195	476,443,632	475,560,402
Train-miles, passenger	357,545,213	333,128,307	298,837,692	289,865,823
Total	872,515,852	825,537,502	775,281,324	765,426,225
Freight train car-miles	30,304,046,060	31,324,375,195	31,680,881,925	32,076,365,000
Passenger train car-miles	3,446,481,800	3,322,339,116	3,007,943,571	2,942,541,245
Total	33,750,527,860	34,646,714,311	34,688,825,496	35,018,906,245
Average number employees	1,220,401	1,205,966	1,057,866	1,043,000

[1] Preliminary figures.
[2] Figures not available at present.

NOTE.—Number of passenger trains and/or freight trains operated not available.

STATEMENT OF JOHN V. LAWRENCE, MANAGING DIRECTOR, AMERICAN TRUCKING ASSOCIATIONS, INC.

Mr. LAWRENCE. My name is John V. Lawrence. I am managing director of the American Trucking Associations, Inc., with offices at 1424 16th Street, NW., Washington 5, D. C. As the members of the subcommittee know, the American Trucking Associations, Inc., is a federation composed of organizations of all types of motor carriers in each of the 48 States and the District of Columbia. Our membership includes both private and forhire motor carriers of property.

Our appearance today relates only to those bills indicated above (S. 1490, S. 1491, S. 1492, and S. 1463). We take no position with respect to S. 1386 or regarding those portions of S. 1492 which relate to rail carriers.

ACTIVITIES OF THE TRUCKING INDUSTRY IN THE SAFETY FIELD

As the national representative of the trucking industry, ATA has as one of its primary purposes the promotion of highway safety within the trucking industry and among highway users in general.

Its activity in the field of safety is widespread but the following represents the heart of trucking industry safety efforts:

1. ATA coordinates industry safety activities.
2. It develops and promotes standards for the selection, training, and supervision of drivers and other employees.
3. ATA represents the industry in matters of Federal safety regulation in cooperation with the Interstate Commerce Commission and other Federal agencies and on national committees and organizations working in the field of safety.
4. It acts as a clearinghouse for the interchange of ideas and information in the trucking industry through its nationwide council of safety experts and through its work with a national education group which sponsors courses in numerous colleges and universities.
5. ATA stimulates safe driving and use of industry safety standards through competitive programs, award programs and through special emphasis campaigns.

6. It cooperates in the promotion of safety devices of other groups throughout the country on State and local levels.

7. In furtherance of a continuing directive from its governing bodies, ATA has for a number of years appeared before Appropriation Committees of the House and Senate to urge adequate appropriations for the ICC including an increased budget for safety matters.

8. ATA conducts numerous other activities in the field of safety which are too detailed to be mentioned here. Examples of these are its provisions of speakers, materials, and information to civic groups interested in safety and its sponsorship of a safety magic show and a safety animal act which promote safety among school children of all ages through performances in public schools throughout the Nation.

The trucking industry's safety efforts have reaped rich returns in the saving of lives on the Nation's highways. A graphic illustration of the current success of the industry's safety programs is a report by the Interstate Commerce Commission which showed that motor carriers reporting to the Commission during the first 10 months of 1956 had, as compared with the first 10 months of 1955, a 13 percent decrease in the number of fatal accidents in which they were involved and a 20 percent decrease in the number of fatalities.

At the same time the national traffic fatality record was headed for a new high of 40,000 persons killed.

With the permission of the subcommittee, I would like to submit for the record a more detailed statement of the safety activities of ATA to which I invite the attention of the subcommittee.

Senator SMATHERS. That will be included in the record.

Mr. LAWRENCE. In addition to that, I might point out as an added item to appendix I that which is called a cooperative road patrol.

In 26 States members of State trucking associations have established cooperative road patrols composed of truck fleet safety men who report on the road operation of their own trucks and of all trucks operating in the area which they cover.

Their observations cover the method in which the vehicle is operated by the driver—either good or bad—and on the condition of the vehicle.

These cooperative patrol members make over 100,000 observations per year on industry vehicles. They work with modern equipment—two-way radio, radar, police speedometers, et cetera, and are recognized by State and local police as a welcome arm for the enforcement agencies.

The patrol activity in the industry has grown to its present stature in a little over 3 years and it is expected, that if the present rate of growth continues, the industry will have a full-fledged observation force blanketing the country in the not-too-distant future.

Now on this registration of private and exempt carriers, the American Trucking Associations, composed as it is of many different types of truck operators, has for many years followed the policy of taking an affirmative "no position" stand on matters in which there is a substantial difference of opinion between the natural divisions of our industry.

Just such a situation is presented in S. 1490. Accordingly, we take no position on this bill. However, we have been asked to present a statement favoring the enactment of this bill and subscribed to by certain of the conferences of ATA which represent for-hire type of

truck operations. These conferences are indicated on this statement, which is attached as appendix II. This statement shows the following reasons why these groups favor enactment of this bill:

(1) Safety regulation by the ICC results in increased safety. Lack of personnel has previously hindered the efforts of the ICC to bring about proper safety regulation.

(2) The Commission must be able to locate those who are subject to its safety regulations.

(3) The proposed bill will enable the Commission to carry out the duties imposed upon it by section 204 of the Interstate Commerce Act.

(4) One change is suggested which would be to add the requirement that those persons subject to the bill be required to furnish not only the number but also the type of vehicles owned or operated.

I ask that the full statement of these groups be received for the record. (Appendix 2.)

Senator SMATHERS. Without objection, that will be done.

Mr. LAWRENCE. Mr. Harry Cooke will testify later in these hearings representing the American Trucking Association Private Carrier Conference. This conference is opposed to this bill for reasons which they will detail in their statement.

TRANSPORTATION OF EXPLOSIVES ACT S. 1491

American Trucking Association favors the revision of the Transportation of Explosives Act to (1) include within the coverage of this statute certain dangerous articles not now included, (2) extend the coverage of the act to contract and private carriers as well as to common carriers, and (3) make other necessary changes to bring the act up to date.

SUPPLEMENTARY STATEMENT OF JOHN V. LAWRENCE, MANAGING DIRECTOR AMERICAN TRUCKING ASSOCIATIONS, INC.

We do, however, have several comments with respect to certain provisions in this bill.

In section 832 (a), page 3, lines 18–21, the use of the term "high explosives" is incorrect. They probably mean dangerous explosives. In the list of high explosives they show black powder which the ICC does not class as a high explosive. They also show blasting caps and detonating fuzes, which are sometimes classed as high explosives and other times are not, depending on quantity. The term "gunpowder" is archaic and no such explosive is listed by the ICC. It was, at one time synonymous with black powder but today it could refer to any number of explosives, some of them high explosives, others not. As used here it would be a so-called low explosive.

In section 834 (e), page 7, lines 18–19, the inclusion of "The Bureau for the Safe Transportation of Explosives and Other Dangerous Articles" is not justified on several grounds.

(a) Since lines 19 and 20 say "utilize the services of carrier and shipper associations," the mentioning of only one such association is redundant and discriminates against other associations.

(b) That "Bureau" is ot identified as being a part of the Association of American Railroads.

(c) That "Bureau" has assumed that the mere mentioning of its name in the act has not only given the ICC merely power to utilize its services but also has given it power to suggest practically all revisions in the regulations including those involving motor carriers.

In secion 832 (a) the carrying of certain dangerous articles in passenger carrying vehicles must be performed knowingly if violation is to be shown.

In section 832 (b) the carrying of nitroglycerin and similarly dangerous explosives, or radioactive materials, or etiologic agents must be performed know-

ingly if violation is to be shown. In section 833 violators of the Commission's regulation either shippers or carriers, with respect to proper marking and billing must knowingly do so.

In section 834 (f), however, violation of the regulations (which are to be binding on all shippers and carriers and which cover packing, marking, loading, handling while in transit, etc.) is not required to be performed knowingly.

Chairman Clarke of the Interstate Commerce Commission, appearing before the Senate Committee on S. 1491, stated "* * * we believe that a person standing in responsible relation to a public danger should be charged with the knowledge that certain rules and regulations exist for the furtherance of safety, and that a plea of ignorance of the law should not permit him to escape responsibility. To further explain this point, we feel that to remove the word "knowingly" from all sections of the act would place too great a burden upon the carriers. Any type of explosive could be delivered to him under false marking or billing, and without the word "knowingly" in the statute, he would be at the mercy of any irresponsible shipper. However, where the knowledge goes to the existence of rules and regulations rather than to the commodity carried, the test should be different. A carrier should know of the existence of such rules and regulations, otherwise he should not be engaging in an activity which places both persons and property in jeopardy. We believe that knowledge of the existence of rules and regulations governing the transportation of such commodities, and an understanding of them, are vital to the protection of employees, carriers, and the public in general."

As this bill is drafted we suggest the possibility that a carrier who had received from a shipper a small shipment of dangerous articles not described as such and who unknowingly carried them might very well run afoul of section 834 (f) when, without knowing the nature of the shipment he violated the Commission's regulation in any way.

We strongly suggest that this confusion be cleared up before final enactment of S. 1491.

As I indicate in the statement, Mr. Chairman, that shows the increased coverage that will extend to private and contract carriers. It is peculiar, but in my statement I say we had no opportunity to present the changes suggested by the Commission, and they said they were changes suggested by us. [Laughter.]

I don't know whether all of them are included, but they are mostly of a technical drafting nature. But there are two I would like to file a supplementary statement on. The first one is we see no particular reason why an organization like the Bureau of Explosives be singled out for honorable mention in a Federal act. Maybe the American Trucking Associations, a lot of other associations, ought to be mentioned, too. The other thing is that we can't ascribe, our counsel can't, entirely to the fact that the word "willfully" is taken out of that section 835, when it remains in the section covering passenger carriers and also remains in the section covering shippers.

We think it goes further and we would like to explain our views on that in a supplementary statement.

Senator SMATHERS. All right, sir.

Mr. LAWRENCE. Now, as previously indicated, as we have not had an opportunity to study the amendments to S. 1491 proposed by the ICC, we would appreciate permission from the subcommittee to submit further written comments on the bill after the amendments are considered more carefully. Our additional comments will be available within a few days.

REVISION OF SECTION 222 (a) AND (c), PENALTY PROVISIONS; S. 1492

As previously indicated, we take no position on the provisions of S. 1492 except as it relates to section 222 (a) and (c) of the Interstate Commerce Act. This section is the general penalty provision

of part II of the act. It is extremely broad in its coverage; for example, subsection (a) provides, in part, for a fine for violation of "any provision of this part, or any rule, regulation, requirement, or order thereunder," et cetera.

It is important to bear in mind that this section of the act states: "Each day of such violation shall constitute a separate offense."

It should be noted that this section pertains to many matters not in the area of safety regulation violations. In the Code of Federal Regulations, volume 49, part 165 to end, which is the principal but by no means the only location for motor carrier regulations prescribed by the Commission, there are over 275 pages of highly detailed and in many instances highly technical regulations governing every aspect of the interstate motor carriers affairs.

Only approximately 40 pages of these regulations are under the heading "Safety Regulations." The remainder run the gamut of operations from illegal operations to insurance requirements, et cetera. The potential number of violations is in the thousands. Consider the fact that if a carrier has been violating a technical regulation relating to, for example, authorities practices, over a period of just 1 calendar month, his fine under this bill—providing minimum fines as it does—would run as high as $15,000 for a single continuing violation.

Turning from the broader aspects of this bill to its more specific application to the area of highway safety, it becomes obvious that the bill would be equally as burdensome and unfair.

The establishment of the minimum of $100 for the first offense and $500 for subsequent offenses would be extremely burdensome on two classes of persons—drivers and small carriers. The hours-of-service regulations and certain other requirements apply to drivers as well as carriers. It should also be recognized that many carriers are not large corporations, but merely operators of 1 and 2 trucks.

The burden on a driver or a small carrier for multiple offenses, especially for second offenses, would be so great as to amount to confiscation. In this connection it is noted from the Commission's 70th annual report that in exactly one-half of the 126 violations of drivers log requirements, drivers, not carriers, were the defendants.

The threat of a fine, whether it be $100 or less than that amount, is not the deterrent against violations of regulations. The principal deterrents are (*a*) the knowledge that compliance with regulations is good operation because it results in increased safety; (*b*) compliance with regulations results in increased efficiency; (*c*) compliance with regulations results in better relationships with Government, shippers, and the general public; (*d*) noncompliance may result in failure to secure additional authority to operate, or even revocation of authority; (*e*) if prosecuted, the costs of defending prosecution and the notoriety resulting from such prosecution are much more to be avoided than any fines that may result.

The establishment of a high minimum fine may well result in suspension rather than imposition of fines. For example, if a driver has five counts of excess hours (and these may all occur in a single week) the minimum fine would be $500 for first offense and $2,500 for second offenses. Judges would be inclined to suspend all, or at least the major part, of any such fine. The imposition of the minimum proposed, therefore, would tend to defeat rather than abet enforcement of the regulations.

We believe that it should be within the discretion of the courts to decide the minimum fine. The minimum should vary with the nature of the offense, the results of the offense, the circumstances of the offense, the circumstances of the defendant, the history of the defendant, and numerous other relevant factors. Only the trial judge can be in position to consider all these factors.

We wish to point out on pages 135 and 136 of the Commission's 70th annual report, statements made with respect to prosecutions of motor carriers. These cases refer to prosecutions for multiple counts, from 20 to 50. The average for each case varied but in only a few did the judge impose the maximum of $100 per count. Perhaps, in these few, the judges would have imposed fines in excess of $100 per count if the law were as proposed, but the record indicates that the large majority of the judges apparently thought that the fines imposed should be less than the maximum authorized at present.

While we support the enforcement of the Commission's regulations, we believe that the minimum penalties proposed are excessive—at least for violation of certain of the Commission's regulations.

For example, a broken reflector, the failure of a driver to make entries on his log in timely manner, the failure of a carrier to have a log for a driver for 1 day—all could be the basis of a count with a minimum fine of $100 or $500. Obviously, especially for carriers operating large fleets, the numbers of such possible violations would be so large as to result in possible fines that would be highly disproportionate with regard to the nature of the offense or to fines for similar offenses in other fields such as local or State regulations.

In that connection, I would like permission to file a list of some of these minor violations. It is four pages long.

Senator SMATHERS. Without objection.

(The document above referred to is as follows:)

VIOLATIONS OF SAFETY REGULATIONS

PART 191

Rule 191.10

Failure of motor carrier to have copy of physical examination certificate for driver on file—carrier violation—a violation for each day driver is retained in service.

Failure of driver to have with him, when operating a vehicle in interstate commerce, a copy of his physical examination certificate—driver violation—a violation for each such day of operation.

Rule 191.13

Inability of a motor carrier to discharge a driver because violations of laws and regulations which demonstrate a disregard for regulation—carrier violation—a separate violation for each day driver is retained in service.

Failure or inability of the motor carrier to maintain a complete personnel record showing all driver acts and offenses within the purview of the safety regulations—carrier violation.

Inability to discharge a driver whose accident record is poor—carrier violation.

PART 192

Rule 192.3

Failure of the driver to comply with all laws, ordinances and regulations of each political subdivision in which he drives—driver violation and carrier violation.

Rule 192.7

Failure of the driver to inspect his vehicle that certain accessories are in good working order—carrier violation.

Rule 192.9

Failure to secure vehicle door tarpaulin, tailgate, or other equipment—carrier violation.

Rule 192.10

Failure of driver of tank vehicle or vehicle carrying explosives or passengers to come to complete stop at rail grade crossing—carrier violation.

Rule 192.21

Parking or stopping a vehicle where it interferes with other traffic outside a business or residence area—carrier violation.

Rule 192.22

Failure to set out all warning lights and reflectors or set them out at the required distance when a vehicle is disabled on the traveled portion or a roadway—carrier violation.

Rule 192.32

Failure to dim headlights within 500 feet of an approaching vehicle at nighttime—carrier violation and driver violation.

Rule 192.33

Operating a vehicle when some of the required lights or reflectors are obscured by dirt—carrier violation.

Rule 192.40

Failure of driver involved in accident to give his name and address and that of his employer to any person demanding it—carrier violation.

Rule 192.50

Smoking by a driver or any motor carrier personnel in the vicinity of a vehicle being refueled—carrier violation.

Permitting any person to smoke or engage in any activity likely to result in fire or explosion during a refueling process—carrier violation.

Rule 192.66

Permitting the operation of a vehicle when its mechanical condition is likely to produce a hazard of carbon monoxide—carrier violation.

Section 193

This section requires a minimum of 16 lights and 6 reflectors on a tractor and semitrailer. The failure of any light to operate is a carrier violation.

Failure of any clearance or sidemarker lamp to show at a distance of 500 feet—carrier violation.

Failure of a stop lamp to work—carrier violation.

Failure to replace cracked lens or cracked reflector—carrier violation.

Rule 193.33

Failure of electrical wiring on vehicle to conform to SAE standard—carrier violation.

Rule 193.65

Leaking fuel tank—carrier violation.

Rule 193.75

Carrying more weight on tires than permitted in the regulations—carrier violation.

Rule 193.78

Failure of windshield wiper to work properly—carrier violation.

Rule 193.79

Failure of defrosting device to work—carrier violation.

Rule 193.81

Failure of horn to work—carrier violation.

Rule 193.84

Failure to have truck floor surface in good condition—carrier violation.

Rule 193.95

Failure to have on the truck a spare light bulb for each type of light—carrier violation.

Failure to carry hand tools to make light bulb replacements—carrier violation.

PART 194

Failure to report an accident within the specified time in the regulations—carrier violation.

PART 195

Driving in excess of 60 hours in 7 days—driver and carrier violation.

NOTE: Many times the excess carries over for 6 days. With each of these days ending a week or 168-hour period, 7 violations can occur from one excess.

Failure of driver to make out log properly—driver violation and carrier violation.

Failure of driver to keep log made up to last change of duty status—driver violation and carrier violation.

PART 196

Failure to lubricate vehicles properly—carrier violation.

Failure to keep maintenance record on a vehicle—carrier violation.

Failure of driver to make a vehicle condition report in writing at the end of a duty period—carrier violation.

Failure to keep file of vehicle condition reports—carrier violation.

Mr. LAWRENCE. They run from failure to tie down a tarpaulin over a door and various other offenses of that kind that would be serious at $100.

Now on the Medals of Honor Act, Senate 1463.

The trucking industry of the United States has, for many years, as a part of its overall safety campaign, recognized the heroism of its employees through the medium of local, State and national awards of many different types. These are, of course, in addition to the many thousands of awards given by individual companies for the purposes of rewarding safe driving and other meritorious activities.

Nationally these present awards include such honors as the American Trucking Association Pro Meritus Award, The Driver of the Year Award, and the Arthur Godfrey citation.

I submit for the record a more inclusive statement relating to the awards currently presented to drivers. (Appendix 3.)

American Trucking Association, of course, favors the enactment of S. 1463 to extend the Medals of Honor Act to include

motor vehicles subject to safety regulations established by the Interstate Commerce Commision. . . .

We propose one amendment to the bill so that it would encompass any person who performs an act of heroism in connection with any wreck, disaster, or grave accident involving any motor vehicle on the public highways, roads or streets of the United States. This may be accomplished by striking the language of the bill from the word "subject" at page 1, line 7, through the comma following the word "Act" at page 2, line 2, and inserting the language "on the public highways, roads, or streets of the United States."

Senator SMATHERS. Thank you very much, Mr. Lawrence. You have been helpful and we appreciate it.

Senator PURTELL. No questions, Mr. Chairman.

(The appendices accompanying Mr. Lawrence's statement are as follows:)

APPENDIX 1

SAFETY ACTIVITIES OF THE TRUCKING INDUSTRY

Safety is more than just a word to America's truckdrivers; it has become the byword of the trucking industry.

Since the dawn of the automotive age back in the early 1900's, the need for safe driving habits on the Nation's streets and highways has become increasingly more important. The country's truckers were among the first to recognize this need, and have played a major part in establishing and maintaining safety programs for the mutual benefit of their industry and the general motoring public.

With more and more vehicles produced every year, the number of accidents in the United States has increased to the point that the toll of deaths resulting from motor vehicle accidents has reached the staggering figure of 40,000 a year. Besides, more than a million others are injured every year in traffic accidents, and the property loss amounts to some $2 billion—enough to feed and clothe more than 2 million Americans for a full year!

DRIVERS THOROUGHLY TRAINED

As the use of trucks began to grow, the men who managed the companies quickly saw the need for an efficient and well-organized safety program. Accidents not only caused death and injury, they were costly, wasted the time of damaged vehicles, made expensive repairs and sometimes replacement of the vehicle necessary, damaged or destroyed valuable cargoes, and created ill will among automobile drivers.

The truck operators themselves set up safety programs, which included rigid rules and a thorough training period for all drivers before they were permitted to take a truckload of merchandise out onto the highways.

That these programs have paid off in concrete results is shown in reports compiled by the National Safety Council. A breakdown by the council of the kinds of vehicles involved in accidents in 1948 found 17 percent to be trucks. In 1949 this figure dropped to 15 percent and in 1951 down to 14 percent. The number of trucks on the road remained in a constant relationship to the number of other vehicles throughout these years—about 17 percent. For 1955, trucks accounted to 12 percent of the vehicles involved in accidents and 16 percent of the vehicles registered.

Further results of the industry's stress on safety is evidenced in a study made by an insurance company that insures more commercial vehicles than any other. Of 104,000 accidents in its recent records, this company found there were 89,472 involving collisions of trucks and passenger automobiles. In the insurance study, the truckdrivers were blamed for an accident if they had neglected to do anything possible that might have prevented it, even if the other driver was legally wrong.

Judged on this severe "last chance" basis, truckdrivers were held absolutely blameless in 70 percent of the collisions. That is, there was absolutely nothing they might have done to prevent the accident 7 times out of 10. In only 30 percent of the cases might they have prevented the accident. Among the 900 fatal accidents in this same list, the truckdrivers were found helpless to prevent the collision in 80 percent of the cases.

These are the first valid and acceptable figures ever available on this subject, and cover all kinds of commercial trucks, from coast to coast. The plain indication is that the professional truckdriver is a better and safer driver than the average motorist.

CAREFUL SELECTION

Because of the responsibility involved in piloting big trucks through towns and cities and across the Nation's highways, leaders in modern motor transport are fully aware of the necessity for careful selection and training of drivers. In selecting a potential driver, one of the basic considerations is the aspirant's physical condition, which must meet the minimum requirements of the Interstate Commerce Commission.

The ICC requires that there be no loss, structural defect, or impairment of foot, leg, arm, hand, or fingers; no mental, nervous, organic, or functional disease likely to interfere with safe driving; that the applicant's vision with or without glasses be at least 20/40 in each eye with the ability to distinguish red, green, and yellow; and that his hearing be at least 10/20.

Equally as important as these basic physical requirements are the mental and social makeup of a prospective driver. More and more, employers look for an even

temperament, pleasing personality, healthy attitudes toward company rules, Government regulations, and other users of the highway, and habits that show he is a settled person who is careful and dependable. All these attributes contribute to the development of a safe driver.

The American Trucking Associations, Inc., laid the fundations for a nationwide campaign as one of its initial and top priority functions when it was organized in 1933. Based on its experience from year to year since that beginning, the association now conducts several annual contests and makes special awards to drivers who compile outstanding safety records.

COURTESY AND SAFETY

These have all been combined under the association's national highway courtesy and safety campaign designed to promote not only safe driving practices but courtesy on the highways as well. Target objectives of this campaign are (1) development of safety consciousness and good safety practices by every truck owner and every trucking industry employee; (2) establishment and maintenance of desirable minimum safety standards and activities in each fleet in each State; and (3) expanded and intensified trucking industry safety activities in each State.

Such State activities include regular safety clinics for interchange of ideas by fleet operators and others in connection with selection, training and supervision of employees; an annual Truck Roadeo; safety contests as an extension of the ATA National Truck Safety Contest; and a driver-of-the-month and driver-of-the-year program.

Drivers who have performed outstanding acts of heroism and courtesy are awarded the ATA "pro meritis" medal. Typical of the heroic acts for which this award is made was the one performed by a Billings, Mont., truckdriver who rescued three motorists from an automobile which had plunged down a mountainside onto a railroad track. The injured occupants of the car were pinned inside and a train was approaching. The award winner released the three motorists, flagged down the train with the help of another driver, and rendered first aid. Later he arranged for expert medical treatment for the injured travelers.

Nominations for the "pro meritis" award are submitted by affiliated State associations to ATA and then are turned over to an independent board of judges.

The association also makes an award to every truckdriver who completes a full year without an accident of any kind. Individual companies submit the names of men entitled to the medal, and many of them call for awards covering 10 or more consecutive years of no-accident driving. The hundreds of medals that go out month after month from ATA headquarters in Washington testify to the competency of the professional drivers employed by America's trucking industry.

DRIVER OF THE YEAR

One of the association's highest awards is the one given annually to the driver of the year, who is selected from among State drivers of the year by an independent panel of judges. Drivers' qualifications on the following points are considered by the judges in making their selection:

(1) Outstanding deeds of heroism in the saving of life on the highway;
(2) Outstanding acts of courtesy on the highway;
(3) Outstanding contribution to highway safety; and
(4) Long record of courteous and safe driving.

Each State participating in the driver-of-the-month program selects a truckdriver each month who had made an outstanding contribution under one or more of these considerations. Those so honored are presented with certificates and lapel buttons of recognition.

The State association annually selects from its drivers of the month the most outstanding as the driver of the year. These nominations from all States are then submitted for selection of a national driver of the year, who is brought to Washington by ATA to meet the President of the United States in the White House and then enjoys an expense-paid week in New York City with his wife.

ROADEO BEST KNOWN

Probably the best known safety project sponsored by the industry is the annual ATA National Truck Roadeo. This is a contest of truckdriving skill, with the main emphasis on safety.

Even to enter one of the State contests, the first step toward the national Roadeo, every driver must have driven at least 1 full year without an accident.

Besides testing their ability to maneuver through an "obstacle course" type field test, contestants are judged on their knowledge of traffic and safety rules, first aid, fire fighting, and the trucking industry in general.

Drivers are divided into four classes for the field tests, depending on the type of vehicle they drive—straight truck, 3-axle tractor semitrailer, 4-axle tractor semitrailer, and 5-axle tractor semitrailer. Manufacturers of motortruck equipment cooperate with ATA in promoting the contest, providing the equipment that is used in the driving tests, and furnishing tropies for the winners.

Thousands of the Nation's safest and most skillful truckdrivers have competed in the various State and national Roadeos since 1937. During that time, the public has become more and more aware of the fact that truckdriving practices and skills are equaled by few other drivers—and surpassed by none.

DEFENSIVE DRIVING

This is due in large part to the role played by "defensive driving" in the industry. Every driver is given thorough instruction in this phase of safe-driving techniques. He is taught to operate his vehicle in such a way that he can anticipate possible accidents before they occur and yield any right of way or make any other concession to avoid an accident, no matter what the other fellow does. If he sees an automobile approaching a main highway by way of an intersecting road, the professional truckdriver will reduce his speed in order to be able to stop in case the motorist does not. "Defensive driving" has been aptly described as the keystone of the industry's entire safe-driving campaign.

As an incentive to insure safe-driving practices, many companies participate in the ATA Sights on Safety merchandise plan, in which prize points are awarded to drivers for each month of accident-free driving they complete. These points are redeemable for many valuable items of merchandise, ranging from golf balls to sets of furniture.

SOS, as the plan is called, stimulates family interest, support and encouragement for the driver to keep his sights set on safety. Awarding of bonus points for an accident-free month results in the drivers talking up safe driving among themselves.

A good safety record in any trucking company is built up through the cooperation of drivers, maintenance men and safety supervisors. ATA makes a special point of keeping safety supervisors well informed on current and proposed safety programs in the industry.

Because safety supervisors teach drivers safety at the company level, they periodically meet with other supervisors at State and national gatherings to exchange ideas. They learn new instruction techniques and latest engineering ideas on how roads, road markers, truck cabs and other equipment can be redesigned for safety. From these findings, remedial bills for improved safety are often formulated to be introduced at State legislative sessions.

PROGRAMS AND POSTERS

Providing safety supervisors with planned programs of instruction, visual aid materials for teaching, reminder posters for company offices and terminals, and other instruction devices is one of the full-time activities of the ATA safety department in Washington.

Since 1949, a school for truckdrivers has been in operation at North Carolina State College, sponsored by the college and the North Carolina Motor Carriers Association. Aspiring drivers are given an intensive six-week course which combines classroom work with behind-the-wheel practice. Forty students are enrolled in each six-week session.

In class, the curriculum includes such things as driver qualifications, accident prevention, accident investigation and reporting, laws of evidence, insurance, maintenance, freight handling and customer relations. But the bulk of the 266 hours of carefully-scheduled training is devoted to field work. Student drivers take turns maneuvering the giant rigs on a large concrete plaza that has been marked off with white lines denoting roads and loading platforms.

Safety is the most important item stressed at the school. Fast or careless driving or "tail-gating"—following too close to the vehicle in front—are two of the quickest ways of getting expelled. Students who complete the rugged course invariably find good jobs awaiting with trucking companies who realize that the trained driver is the safest driver.

Similar training has been instituted at the University of Tennessee and Iowa State College.

Courses in Motor Fleet Supervisor Training are given at 30 colleges and universities throughout the country. Officials of Pennsylvania State College, the Director of ATA's Safety Department, and 13 other safety organization leaders comprise the national advisory committee for the project. The program is financed through grants to Penn State by ATA and others of the group.

As a gage of each company's driver, maintenance and supervisory efficiencey in safety work, ATA each year conducts the National Truck Safety Contest. Trophies are presented to the companies having the lowest accident frequency per mile and the best safety program among fleets similar in size and character.

STATE GROUPS ACTIVE

A completely separate division of the National Truck Safety Contest is open to State associations. Awards here are based on the effectiveness and scope of the associations' safety programs as evidenced by safety promotion activities carried on in the name of each State association among its member companies and the public.

Included among the promotional activities are State Driver of the Month programs, State Truck Roadeos, and promotion of Fleet Supervisor Training Courses.

Courtesy has long been considered a partner of safe driving by the American Trucking Associations. Stressing this view, the Washington headquarters each month sends out kits of training material, posters, radio talks and press releases to State association managers and truck operators. The kits point up various aspects of courtesy and safety, such as proper hand signals, vacation driving tips and pedestrian safety.

SPECIAL EMPHASIS CAMPAIGNS

For many years, ATA has conducted special safety campaigns as an extension of the National Courtesy and Safety Campaign. These campaigns have been timed to coincide with the peak period of highway travel between Memorial Day and Labor Day. The purpose of such campaigns is two-fold: (1) to do the trucking industry's part to hold down the seasonal upswing in traffic accidents and deaths which occurs at this season; and (2) to assist other users of the highway to travel safely and comfortably.

In recent years, these campaign of the ATA Council of Safety Supervisors have been directly tied in with the annual "Slow Down and Live" campaign of the National Conference of State Safety Coordinators. The trucking industry's cooperation with this official safety effort is emphasized along with the principles of defensive driving and highway courtesy.

The campaign message is carried through bumper stickers, not only for trucks but for the private cars of trucking industry employees, special posters, driver letters and billfold cards containing a few pertinent safe driving rules. Drivers employed by participating companies are asked to sign a special safe-driving pledge. Those drivers who operate their trucks throughout the campaign period without being involved in a preventable accident receive special billfold cards commemorating this fact.

OTHER PHASES OF THE COURTESY AND SAFETY CAMPAIGN

In addition to those activities already set forth, ATA sponsors two safety educational programs for school students of all ages. These shows, the Officer Pressley Animal Safety Circus and the Sergeant Pike Safety Magic Show, tour the country each year performing before hundreds of thousands of children at no cost to the school. The Pressley Show illustrates safety rules through the use of trained dogs which perform safety stunts and select safety slogans requested by the children. The Pike Show is designed for high school students and utilizes magic as a means of promoting safety. Both shows are in wide demand.

The American Trucking Associations, Inc. is one of the co-sponsors of the National Teen-Age Road-E-O which is sponsored nationally, and in Alaska and Hawaii, on an annual basis by the National Junior Chamber of Commerce. This highly successful program is designed to promote safety on the part of teenage drivers through competitive skill tests on driving ability and through written examinations on driving knowledge. Since its inception 4 years ago, almost one million teenagers have competed in the Teen-Age Road-E-O.

ATA also conducts a "Newspaper Safety Story Competition" which is designed to promote newspaper stories on traffic safety. Any newspaper story printed during the summer months may be entered in the contest, the only requirement being that the article cover, in some way, the subject of traffic safety. The purpose of the contest is to keep the public aware of the traffic accident problem.

Other Courtesy and Safety Campaign programs include mobile driver clinics for testing driver aptitude, driver-training refresher schools, speakers' bureaus for providing information to the public, and State safety advisory councils. In addition, safety patrol cars are kept on the highways constantly by many State associations, truck lines and insurance companies.

COOPERATION IN OTHER SAFETY ACTIVITIES

Besides the extensive safety programs sponsored by the American Trucking Associations, Inc., the organization cooperates in a great deal of highway safety work carried on by State and local governments and by national safety organizations. It has active representation on the following committees:

The President's Committee for Traffic Safety, The Highway Traffic Standards Board of the American Standards Association, The Traffic and Transportation Conference of the National Safety Council and the National Advisory Committee on Motor Fleet Supervisor Training (a nation-wide educational organization). Also, the Winter Driving Hazards Committee of the National Safety Council and the National Committee for Uniform Traffic Laws and Ordinances.

RECORDS PROVE EFFECTIVENESS

The success of these programs is shown in the steadily decreasing number of accidents in which trucks are at fault, as cited earlier in reports compiled by the National Safety Council and other sources.

In an attempt to throw light on some of the basic causes of accidents in the highway transport industry, a research project was conducted at Harvard University, sponsored jointly by ATA, the National Association of Motor Bus Operators, and the Liberty Mutual Insurance Co. of Boston. The study embraces analysis of records of serious accidents in insurance company claims files; determination of critical requirements involved in operating a truck or bus under both ordinary and critical conditions; design of equipment in relation to human variables; selection and placement of drivers (phychological requirements); the role of the physical examination in the prevention of accidents; influence of age on safe operation; operational aspects of fatigue in relation to accidents, and additional operating practices influencing accident rates.

Members of the American Trucking Associations are pledged to continue these industry-wide programs to maintain a high level of safety in all phases of trucking operations. They realize that "safety is no accident," but can be achieved only through the cooperation of every member of this vital, fast-growing industry.

APPENDIX 2

STATEMENT IN SUPPORT OF S. 1490

The conferences of the American Trucking Associations, Inc., who are signatory to this statement are fully in support of S. 1490 and urge its immediate enactment. We do so on the following grounds:

The for-hire motor carrier industry is vitally interested in safety on the highways. They know from experience that regulation of their industry by the Interstate Commerce Commission has resulted in increased safety. They are aware of the difficulties that the Interstate Commerce Commission has experienced with respect to shortage of personnel in their efforts to achieve increased safety by motor carriers. To a large degree this limitation has recently been overcome.

The for-hire motor carrier industry represented by our conferences realize that in order to bring the safety benefits of the Commission's supervision, counsel, and regulations to motor carriers, it is vital that the Commission identify and locate all carriers subject to its regulations.

The subject bill proposes a procedure which will enable the Commission to register carriers, which heretofore it has, to a large degree, been unable to locate or identify. We believe that this procedure will enable it to carry out to a much greater degree the duties imposed upon it by section 204 of the Interstate Commerce Act.

We have noted with interest and agreement the statements of the Commission with respect to its inability to identify or register under presently authorized procedures a high percentage of the motor carriers subject to its jurisdiction. We fully support the Commission's views and arguments with respect to this bill.

In closing, we suggest that one small change in the bill may further assist the Commission. In the last sentence, line 8, page 2, change to read "(3) The number and type of vehicles owned and operated."

We believe that this change will result in the Commission's obtaining information which will assist it materially in enforcing safety regulations.

We also wish to state that our support of this bill should not be taken in any way to indicate that by this statement we support the imposition of economic regulations on private or exempt carriers.

COMMON CARRIERS CONFERENCE—IRREGULAR ROUTE.
CONTRACT CARRIER CONFERENCE.
LOCAL CARTAGE NATIONAL CONFERENCE.
MOVERS CONFERENCE OF AMERICA.
MUNITIONS CARRIERS CONFERENCE.
NATIONAL TANK TRUCK CARRIERS, INC.
REGULAR COMMON CARRIER CONFERENCE.

APPENDIX 3

AWARDS TO DRIVERS

The following awards programs have been developed and are conducted by the department of safety of the American Trucking Associations, Inc. They are designed to promote safe and courteous driving on the part of drivers employed by the trucking industry and to give recognition to these drivers for their safety records and for outstanding acts of courtesy and heroism on the highway and for outstanding contributions to the cause of highway safety. The awards given are:

ATA SAFE-DRIVING AWARDS

This basic award is given to a driver who has completed 1 or more years of driving without a preventable accident. The award consists of a pin denoting the number of years of safe driving and a companion identification card. Awards are currently available for periods of 1 to 25 years. One- to nine-year awards are in sterling silver. Those for 10 or more years are gold. Current annual distribution is approximately 17,000.

DRIVER OF THE MONTH AWARD

This award is given by the ATA-affiliated State trucking associations to the State's outstanding truckdriver. Nominations are submitted by interested parties. Consideration is given to the factors listed below in selecting the driver of the month.

1. Outstanding deed of heroism in the saving of life on the highway.
2. An outstanding act of courtesy on the highway.
3. An outstanding contribution to highway safety or outstanding work in the promotion of highway safety.
4. A long record of safe and courteous driving.

The latter factor is always given primary consideration in the selection of the driver of the month, regardless of any other considerations bearing on the nomination. A special pin is awarded the driver of the month.

DRIVER OF THE YEAR AWARD

ATA-affiliated State associations may select a driver of the year from among the drivers of the month selected during the year. The names and records of such State drivers of the year may then be submitted to ATA for consideration for national driver of the year. The criteria for driver-of-the-year honors is essentially the same as those outlined above for driver of the month. These awards have been made annually since 1947.

PRO MERITIS AWARD

This award is made by American Trucking Associations, Inc., to drivers who exceed the demands of duty in the saving of life or the performance of any other outstanding act of heroism on the highway. The nominee's overall record is given consideration in making this award; 38 awards have been made since the inception of this program in 1942.

ARTHUR GODFREY CITATION

Given for acts of courtesy or for length of safety record which is not sufficiently outstanding for one of the awards mentioned above. Seven of these citations have thus far been presented in 1957.

Senator SMATHERS. Mr. Hood? Sir, you may proceed.

STATEMENT OF MR. J. M. HOOD, PRESIDENT, THE AMERICAN SHORT LINE RAILROAD ASSOCIATION

Mr. HOOD. Mr. Chairman and gentlemen of the committee, the American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington 6, D. C., of which I am president, is a nonprofit organization of 283 common carriers by rail.

While these are in general the smaller rail carriers, during 1955, in the aggregate, member lines operated 16,500 miles of first main track and employed 60,638 persons. They had invested in their properties at the end of 1955 in excess of $1½ billion. During that year they paid taxes approximating $71 million.

My appearance here is at their direction and in furtherance of legislative policies adopted at their 43d annual meeting in Denver, Colo., September 26, 1956.

S. 1386. The short-line railroads oppose the enactment of S. 1386 because, in their judgment, it would bring about an invasion of the managerial field by a regulatory body. The action as proposed by the Interstate Commerce Commission would not, in the judgment of the short lines, add anything to safety but would indeed have the opposite effect.

In the operation of a railroad, properly trained and supervisory employees are necessary at every level. To the extent that the proposals of the Interstate Commerce Commission would require the devotion of time and energies of the supervisory forces of the rail carriers to involved and technical requirements on the part of the regulatory agency, such supervisory forces would not pursue their normal activities of insuring adequate public transportation to be performed in an economic and safe manner.

The action apparently contemplated by the Interstate Commerce Commission, for which authority is sought in the bill, would tend to freeze and make inflexible practices with respect to design, manufacture, and maintenance of the brake systems. The requirements with respect to tolerances, manner and time of inspection, and methods to be pursued in repair and replacement would not permit that flexibility necessary in the day-to-day and around-the-clock operations of a common carrier railroad.

The objective of security holders, management, and competent and loyal employees is to achieve smooth operations on schedule and free from injuries, accidents, and delays. In fact, this may be considered an expression of the culmination of all efforts of those officers and supervisory employees of railroads' operating and maintenance departments.

The value of the investments of stockholders and the very jobs of the people concerned are directly related to the measure of success achieved. Obviously no Government agency or bureau has an equal interest in such a result.

It has always been accepted that the United States has prospered under private enterprise and that the minimum of Government control brings about the best results. No method has yet been found to make a bureaucracy responsible for the economic results of its direction of private enterprise.

It is submitted that notwithstanding the unfortunate fact that there are accidents brought about by material failures and by incompetence or inattention of employees, and at times of supervisors, the citizens of the United States enjoy the most reliable and economic rail transportation available anywhere in the world. Short-line railroads agree that further progress toward the elimination of accidents and delays of all kinds is desirable.

If they were convinced that granting by the Congress of further authority to the Interstate Commerce Commission would assist in bringing this about, the short lines would favor the bill. The Interstate Commerce Commission under its present authority has accomplished a great deal in the safety field, particularly that having to do with deceleration of moving cars and trains.

It is believed that more can be accomplished in the future by cooperation between everybody concerned than by such rigid regulation as is here proposed. Therefore, it is the hope of short-line railroads that S. 1386 will not be favorably reported by this subcommittee.

Senator PURTELL. May I ask a question or two?

Senator SMATHERS. Yes.

Senator PURTELL. Nobody is more interested in seeing that our system of competitive capitalism or private enterprise, as you refer to it, is maintained and flourishes. But you will agree with me, of course, that society has to set certain rules by which it will operate.

Now, we have evidence here presented by the Chairman of the Commission, Mr. Hood, that states on page 31 that tests showed that there were 3.16 cars per train and 6.17 cars per hundred found with defective train brakes. Now, this is operating under a voluntary system where compliance was expected, is that correct?

Mr. HOOD. That is true.

Senator PURTELL. These are pretty high figures, aren't they—6.7 percent of the cars per hundred were found with defective train brakes?

Mr. HOOD. I don't think so, Senator, when you take into account two things: As the Chairman also testified, there are approximately 18,000 freight trains a day operated. There are more than that number of passenger trains operated. And if, out of all of those operations—which, by the way, comprise a car fleet of 1½ million freight cars, some 50 or 60 thousand passenger cars and some 40 thousand locomotives—the number of defects found when an inspector goes on a property and with a fine-tooth comb comes up with every possible reportable defect, whether or not it has any particular immediate threat to safety—that is a relatively small number of operation violations in a period when the exposure was a couple of million a day.

In other words, these cars are leaving terminals and are being subjected to inspection by rail forces at those initial terminals and at various interchange points—so that your exposure reaches a tremendous figure.

Senator PURTELL. But isn't it a fact—evidence here shows that some railroads fully comply and others do not fully comply. So, I think

any conclusion as to the fact that we carry millions of passengers and cover hundreds of thousands of miles and the number of accidents that might result from this is small—I don't think that that indicates it is necessary for all railroads to comply to a minimum standard.

Supposing 90 percent of them did comply and 10 didn't—the percentage of those accidents that might be caused by poor brakes, for instance, would be small but on the roads that didn't comply it would be mighty high.

Mr. HOOD. How long would such a line remain in operation? Would it have any business or have any money left?

Senator PURTELL. I can only show it in the testimony—of course, I have only the testimony of the Chairman before me, but he shows at Knoxville, Tenn., on page 33, on an inspection of August 9, 1955, a train consisting of 156 cars—they found 43 out of the 156 cars, or approximately 28 percent of the cars had defective airbrakes. This, I would consider—assuming the standards by which we judge safety are reasonable, I would assume that that is a pretty high percentage, 43 per cent of 156 cars; isn't it? Another one in Cleveland, Ohio, he testifies, consisted of 147 cars, including locomotive—10 cars with inoperative brakes and 36 with excessive piston travel.

I am assuming they ought not to exist. So he says that of approximately 147 cars, 31 percent or 46 arrived with defective airbrakes. This is under a situation where we have voluntary compliance, isn't it?

Mr. HOOD. Mr. Senator Pastore——

Senator PURTELL. No, it is Purtell. Pastore is the good-looking fellow.

[Laughter.]

Mr. HOOD. I am sorry, sir, I really know your name, Mr. Purtell.

The Commission has obviously, although I have no knowledge that that is true, picked for you the two horrible examples of their year's effort. I offer no defense for them at all. The point I am trying to make is that nobody can be as much concerned about the safe operation of his own railroad as the fellow who owns it, the fellow who operates it, and the fellow who works on it.

Senator PURTELL. I don't want to get into a discussion of who owns it and whether they would have any direct bearing on safety or not. That is another question. Well, let's not explore it.

Senator SMATHERS. You would agree, would you not, Mr. Hood, that if there are any of these failures, that something should be done about it?

Mr. HOOD. One accident is too many.

Senator SMATHERS. All right.

Mr. HOOD. All right. It is the effort of everybody on a railroad to prevent every accident.

Senator SMATHERS. Wouldn't you agree that as long as we have charged the ICC with the responsibility of protecting the public on the matters of this nature, that we must give to them the authority and the power with which they can do that?

Mr. HOOD. My general testimony is to the effect that the Interstate Commerce Commission has all necessary authority and that further authority would constitute an unnecessary invasion of the managerial field and an unproductive one, in all probability. There is just no substitute for personal, selfish interest.

Senator SMATHERS. Our point is this: I am just as devoted to free enterprise as you or anybody else. We believe in it. But, on the other hand, you have statistics which indicate that the desire of the man who wants to make the money sometimes leads him to take chances, and when he takes chances he takes them with people's lives. If you charge another group with the responsibility of protecting people's lives, of course, you get in conflict. That is where we are at this particular point. What we are interested in is not so much theory, what we are interested in is what, if anything, is there about this bill that you say is not necessary, not on the basis of whether or not it is an invasion of managerial rights. That is a little philosophic at the moment.

What are you people doing to see that these brakes are working properly? What are you doing to indicate that you are getting a new brake system for your railroads and things of that nature?

Mr. HOOD. I will take up your questions in as near the order in which you rendered them as possible.

I don't agree that it is purely philosophy to talk about allowing as important an industry to the public welfare of the United States to conduct its business to the extent possible without that detailed invasion that is constantly threatening it from all directions.

Now, these defects, Senators, are not defects which are likely to lead to accidents. Most of them are refinements of idealisms that would be wonderful. If every morning when you leave the garage with your car it would be possible to have an inspection which would insure you that no part was likely to fail and every part was functioning, that no foreign matter had gotten anywhere, that would be wonderful. But nobody has suggested that a citizen be required to submit to that kind of inspection before he goes on a public highway. We don't go on public highways.

Senator SMATHERS. Let's not debate that. That is, in my judgment, an irrelevant sort of argument. I don't mean to be unkind. That is my opinion. Your opinion is completely opposite to that. Nobody certifies me to carry passengers when I leave my house. It is not that kind of an operation.

But what short-line railroads specifically—what have they done with respect to improving their safety operations, and why should not the ICC, not philosophically, but specifically, why should the ICC not have this authority for which they ask?

Mr. HOOD. The short-line railroads are devoting, as is most every railroad—we have sorry exceptions of which we are not proud—as much money and time of the officers to not only safety of brakes but to all other measures which contribute to safety, as they know how to do. And they expect to continue to do that. They have to continue to do that if they want to live. An accident costs a lot of money, personal injuries cost a lot of money.

Relative to the assets of a short-line railroad, both of those items can be very threatening and could even be fatal to the continued operation.

So they just leave nothing undone to bring about a freedom from accidents of every kind. Now, these cars with excess piston travel, true, it reduces the overall effectiveness of the brake for that train, but not materially, and not threateningly.

Senator PURTELL. May I ask a question?

Senator SMATHERS. Sure.

Senator PURTELL. Mr. Hood, I am not questioning you with the idea of trying to confuse, I am probably a little confused myself at times on some of this stuff. But we are trying to find out what is in the public interest. Now, under the act, the Commission is charged with the responsibility of enforcing the power- or train-brake provisions of the safety appliance acts, isn't it? It is charged with that responsibility.

Now, Mr. Hood, your testimony indicates to me that what you are finding some fault with are the standards set; aren't you?

Mr. HOOD. No, I am not.

Senator PURTELL. You said the piston, for instance, doesn't materially decrease the braking power. That is a question of standards; isn't it?

Mr. HOOD. No; the standards are set, and we have not excepted to them. We work toward them.

Senator PURTELL. In other words, you elect to determine what portion of it you will conform to; is that correct?

Mr. HOOD. That is not correct. We, to the best of human ability, do conform and try to keep all of the brakes systems in the condition that will bring about the most effective retardation of the car in movement.

Senator PURTELL. But, Mr. Hood, that is in your judgment what would bring this desirable result about. Now that judgment can differ, can it not, between people and between railroads?

Mr. HOOD. Presumably it could in the fixing of standards. In other words, you talk about a standard 8-inch piston travel, there probably can be a debate as to whether 7¾ or 8½ is outside the limit. But there is no substantial disagreement in the industry about that. It has to do with this, a million and a half cars traveling around the country in the hands of the shippers a portion of their time, and subjected to many things, show up in your trains, and you have to handle them rapidly and you don't always pick up all of these things in time to correct them.

Now, a car under load ought not to be shopped for repairs, which means a 24-hour delay, minimum, if it can be avoided. Now, if there is a substantial defect there that could possibly contribute to the injury of any person or any accident, it ought to be shopped, and any conscientious railroad officer or employee will shop it.

The primary source of these figures is in tiny things, things which even in the aggregate of a considerable number in a 100-car train will not materially increase the stopping distance of that train.

Senator PURTELL. What you are saying is this: That we have given you the responsibility by certification for carrying passengers and you want the authority that goes with that responsibility; isn't that right?

Mr. HOOD. That is correct.

Senator PURTELL. That is exactly what the Commission is saying. The Commission says you have given us the responsibility and we want the authority that goes with that responsibility.

Mr. HOOD. They are saying more than that, Senator. They are saying they want the privilege of writing our book of rules and determining just how many times and at what places and under what

conditions we are to stop the operations of a railroad and conform to some very minute regulation.

Senator PURTELL. Mr. Hood, they are then charged with the responsibility under the law, are they not?

Mr. HOOD. Not at present.

Senator PURTELL. The law says, unless the Commission has misinformed me, that the Commission is charged with the responsibility of enforcing the power or train brake provisions of the Safety Appliance Act. If that is so, they are charged with the responsibility but not implementing it with the authority to see that that responsibility can be discharged in their opinion, is that correct?

Mr. HOOD. We may be playing on semantics.

Senator PURTELL. I am not.

Mr. HOOD. But the Commission wouldn't be here asking for additional authority if they had it now. They have all the authority in the world——

Senator PURTELL. They have the responsibility, but can they tell you what to do?

Mr. HOOD. Senator, the difference is this: And as the chairman pointed out, they just decided it in their own shop quite recently—they have authority to set the standards to which all manufacturers work, and toward which all railroads work in the installation and use of their brakes. But they do not have the authority to require that a particular car, in a particular train, be inspected at a specified time and be cut out because of a minor defect and delayed until that has been repaired. They have a certain amount—if the brake is inoperative, that is a violation, and they have authority to order it out. In fact, the railroads take them out.

Senator PURTELL. Let me get this right, they do have the authority to see that a type of brake sufficient for public safety is used, but they have no authority, so the chairman stated, to prescribe the rules, the standards, and instructions for the installation, the inspection and the maintenance or the repair of such equipment.

So that their authority is limited, is it not, to simply seeing that the equipment is supplied, but once that is done their authority ends, although the responsibility continues, is that correct?

Mr. HOOD. It is substantially correct.

Senator PURTELL. Yes.

Senator SMATHERS. All right, sir, go right ahead, Mr. Hood.

Mr. HOOD. S. 1491. During the 43d annual meeting of the members of this association at Denver, September 26, 1956, their representatives unanimously approved legislation amending the Transportation of Explosives Act. As pointed out by the Interstate Commerce Commission, there have been many developments of products comprised in the group of explosives and dangerous articles since the original enactment of the statute several decades ago.

The members of the American Short Line Railroad Association, recognizing the developments and the necessity for making provision for the safe transportation of new and different products, accordingly believe that the provisions of S. 1491 should become law, and therefore favor the enactment of the bill.

S. 1492

The bill proposes increases of about 400 percent in the penalties which may be exacted for violations of provisions of the Safety Appliance Acts, Hours of Service Act, and Locomotive Inspection Act.

For reasons which I shall state, the short-line railroads oppose these proposals. Because the remaining provisions of the bill concern transportation by other than rail, no opinion is expressed by us with respect to amendments proposed to part II of the Interstate Commerce Act.

Admittedly, a regulatory body such as the Interstate Commerce Commission, charged with the responsibility for enforcing the statutes enumerated, must be empowered to prosecute, and the Congress should fix penalties for the guidance of the courts commensurate with the infractions.

There is a vast difference between a revenue measure designed to collect money, and penalties designed to prevent or reduce violations of laws. Short-line railroads feel that in the proposal embodied in S. 1492 for higher penalties, the Interstate Commerce Commission has confused punishment with correction.

The objective of the Congress is, I am sure, the reduction of violations to an absolute minimum. That is where the public interest lies. Since these higher penalties would fall with particular impact upon the smaller railroads, they are more than usually concerned with the proposal. Existing penalties are high enough for the economic levels at which short lines operate, to spur all reasonable activity toward the operation of the short-line railroads without violation or with as few as is humanly possible. Increasing the penalties 400 percent will only burden them and to that extent reduce their abilities to properly serve the public.

It is my conviction that the mere detection and publication of violations are probably more severe penalties for management of short-line railroads than is the resulting fine. Short-line railroads believe that at least equal results can and will be achieved by the Interstate Commerce Commission under the existing penalties as compared with the higher ones proposed, and for that reason urge that S. 1492 do not pass.

Senator SMATHERS. Any questions?

Senator PURTELL. What is the longest road in your Short Line Association, I mean in coverage?

Mr. HOOD. About 2,600 miles.

Senator PURTELL. 2,600 miles?

Mr. HOOD. Incidentally, our shortest line in your State, the Moshassuck at Saylesville.

Senator PURTELL. Is that so? We have something we can claim credit for, haven't we?

(Discussion off the record.)

Senator PURTELL. We could have a problem here, the law charges the Commission with the responsibility of seeing that these safety measures are enforced so we are trying to explore the possibility of seeing how it can best be done.

Mr. HOOD. Senator, I don't think there is a particle of disagreement as between the Congress, the Commission, and the carriers as to what

should be done in the public interest. It is a problem of day to day operating a railroad under the conditions under which it has to be done, and to serve the public interest with the people you have, with the capital you have, and facing the weather conditions and pressure from your shippers for prompt and on-time service.

Senator PURTELL. Don't you think that where, however, you have compulsory compliance—this would be a form of compulsory compliance—don't you think that you are then perhaps eliminating any inequity between those who willingly comply with the regulations and those who do not, to the extent that you see there is a uniform compliance because the Commission would have the authority to see the compliance was in fact effected, don't you think that that would eliminate those inequities which must exist where you have one which is willing to do a good job and another is not willing as well?

Mr. HOOD. It has a tendency to that effect. However, you can't get away from the fact that the biggest penalty anybody pays for carelessness is an accident or injury, and that is almost prohibitive.

Senator PURTELL. I have no more questions.

Senator SMATHERS. Thank you very much, Mr. Hood. The meeting will stand in recess until tomorrow morning at 10:30.

(Whereupon, at 1:18 p. m., the subcommittee adjourned, to reconvene at 10:30 a. m., Thursday, March 21, 1957.)

should be done in the public interest. It is a problem of day to day operating a railroad under the conditions under which it has to be done, and to serve the public interest with the people you have, with the capital you have, and facing the weather conditions and pressure from your shippers for prompt and on-time service.

Senator PEARSON. Don't you think that when, however, you have compulsory compliance—this would be a form of compulsory compliance—don't you think that you are then perhaps eliminating any inequity between those who willingly comply with the regulations and those who do not, to the extent that you see there is a uniform compliance—because the Commission would have the authority to see the compliance was enforced—don't you think that that would eliminate those inequities which must exist where you have one which is willing to do a good job and another is not doing as well as he should?

Mr. HOOD. It has a tendency to that effect. However, you can't get away from the fact that the biggest penalty a railroad pays for a derailment or accident or injury is the loss of revenue producing equipment.

Senator PEARSON. I have no more questions.

Senator SMATHERS. Thank you very much, Mr. Hood. The meeting will stand in recess until tomorrow morning at 10.

(Whereupon, at 12:15 p.m., the subcommittee adjourned, to reconvene at 10:00 a.m., Thursday, March 21, 1957.)

SURFACE TRANSPORTATION SAFETY MEASURES

THURSDAY, MARCH 21, 1957

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
Washington, D. C.

The subcommittee met at 10:30 a. m., pursuant to adjournment, the Honorable Andrew F. Schoeppel, presiding.

Senator SCHOEPPEL. The committee will come to order.

Chairman Smathers is unavoidably detained for a short while on other official and important matters and he desires that the committee proceed. At the outset of the hearing I want to offer for the record a telegram from the National Agricultural Transportation League of Tavares, Fla.

(The document referred to is as follows:)

ORLANDO, FLA., *March 20, 1957.*

Senator GEORGE SMATHERS,
United States Senate, Washington, D. C.

This league represents thousands of truckers hauling fresh fruits, vegetables, and other exempt commodities. Truckers now know ICC safety requirements through publications, bulletins, and posters and we strongly recommend no registration to "make it possible to send them information and educational material to promote better compliance and therefore help reduce number of accidents". One example of published notice is our official publication National News which was sent to thousands of truckers in November 1956 issue asking truckers to play it safe and comply with ICC safety requirements and citing seven examples including fines as high as $3,000. Other publications, posters, and bulletins give like information and proposed registration would not add to highway safety. Consider our speed laws which are posted and thoroughly known by all drivers including truckers but driver knowledge does not eliminate speed problem.

Here is a further recommendation. If safety laws which have been more or less dormant in exempt trucking for many years are now to be rigidly enforced then it is strongly urged that other ICC rules be approved including rates for exempt trucking through an enforceable tariff procedure similar to that now required for certificated carriers.

Exempt trucking is only form of interstate shipping other than private carriage which is not now regulated on rates. This means that rate situation is chaotic. Shippers and receivers make money by chiseling on truck rates on many thousands of exempt truck shipments each week. Better shippers and receivers deplore this situation since this chaotic condition is a most destructive competitive practice which gives a temporary marketing advantage to irresponsible shippers and receivers who can chisel most on truck rates. Further, certificated carriers are hauling one direction under an ICC tariff setup which usually gives them a good payload and then on the return trip they crucify the rate when their trucks are available for the exempt haul.

These practices demoralize rate structure on exempt trucking and, if continued, these practices will create such a shortage of trucks as to interfere with the orderly marketing of fruits, vegetables and other exempt commodities. This can and will have adverse results for growers, shippers and the consuming public. Exempt truckers should receive fair treatment in accordance with the national transportation policy of the United States Congress.

Please make this a part of your official hearings. We will appear for personal testimony if you wish.

ERWIN F. PUCH, *President,*
C. A. BUCHANAN, *Executive Secretary,*
National Agricultural Transportation League, Tavares, Fla.

Senator SCHOEPPEL. And a statement of Angus McDonald, National Farmers Union, in regard to S. 1490 will be made a part of the record.

(The document referred to is as follows:)

STATEMENT OF ANGUS MCDONALD, NATIONAL FARMERS UNION

Mr. Chairman and members of the committee, the National Farmers Union supports fully the authority that exists in the Interstate Commerce Act authorizing the ICC to regulate in various ways the transportation industry. We believe that such statutory legislation is absolutely essential and have supported for may years the Interstate Commerce Act, together with a number of amendments to it.

We can see no reason at this time to support the current legislation since we believe existing authority is sufficient. However, we do have an open mind on the subject and are prepared to interpret arguments and evidence used in support of additional legislation by motor carriers regulated by the ICC.

It should be pointed out that there has been a tendency for this agency of Government to encroach on the rights of carriers of agricultural commodities. It attempts, in effect, to whittle down agricultural exemptions in the act which the National Farmers Union supports. We, therefore, look with some suspicion on any new proposal which proposes to extend the authority of ICC.

Senator SCHOEPPEL. I understand Mr. Heiss, counsel for the Railway Labor Executives' Association and other organizations, is the first witness.

You may proceed, sir. Might I say at the outset, however, that your entire statement will become a part of the record and you may proceed as you desire.

Mr. HEISS. Thank you, Mr. Chairman.

STATEMENT OF HAROLD C. HEISS, COUNSEL FOR RAILWAY LABOR EXECUTIVES' ASSOCIATION AND BROTHERHOOD OF LOCOMOTIVE ENGINEERS

Mr. HEISS. Mr. Chairman and members of the committee, my name is Harold C. Heiss. I have been a lawyer, with offices in Cleveland, Ohio, since 1930, directing all my efforts for about 25 years to representing railway labor organizations. My work has been devoted in most part to the service of the organizations in the operating field—that is, those organizations representing locomotive engineers, firemen, conductors, brakemen, and switchmen.

However, on many occasions, of which this is an illustration, I have acted as counsel for all of the standard railway labor organizations. You will thus observe that for more than 25 years I have, in my professional activities, been in the closest contact with the railway labor organizations, their officers, and members.

Incidentally, my work has taken me all over the United States and a large part of Canada, much of the time on railroad safety proceedings before the Interstate Commerce Commission.

My work as a railway labor lawyer has been concerned with all phases of collective bargaining with the railroads with respect to rates of pay, rules, and working conditions of operating employees, in connection with which I have obtained necessarily a knowledge of

their job content as well as the hazards which attend their employment. It has included many appearances before emergency boards and arbitration boards constituted under the Railway Labor Act.

In addition, my associates in my law office and myself have taken part since 1946 in many important matters before the Interstate Commerce Commission relating to safety of railroad operations. Among these matters before the Interstate Commerce Commission were Docket No. 29543, a proceeding lasting about 5 years, wherein the Commission investigated the necessity of the railroads installing manual or automatic block signal systems and automatic train stop or train control devices; a proceeding known as ex parte No. 171, wherein the Commission established rules, standards, and instructions for the installation, inspection, maintenance and repair of automatic block signal systems, interlocking, traffic control systems, automatic train stop, train control and cab signal systems, and other appliances, methods and systems; and, particularly germane to the proposed bill, Docket No. 13528, Investigation of Power Brakes and Appliances for Operating Power Brake Systems, under which the Commission ordered the installation of AB-type brakes on freight cars.

I have been asked to present a statement in support of S. 1386 in behalf of the Railway Labor Executives' Association and the Brotherhood of Locomotive Engineers, an organization not presently affiliated with the association. The Railway Labor Executives' Association is made up of 22 standard railway labor organizations. They are:

Brotherhood of Locomotive Firemen and Enginemen.
Brotherhood of Railroad Trainmen.
Order of Railway Conductors and Brakemen.
Switchmen's Union of North America.
Order of Railroad Telegraphers.
American Train Dispatchers' Association.
International Association of Machinists.
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.
Sheet Metal Workers' International Association.
International Brotherhood of Electrical Workers.
Brotherhood Railway Carmen of America.
International Brotherhood of Firemen and Oilers.
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employees.
Brotherhood of Maintenance of Way Employees.
Brotherhood of Railroad Signalmen of America.
International Organizations Masters, Mates and Pilots, Inc.
National Marine Engineers' Beneficial Assn.
Railway Employees' Department, A. F. of L.
Hotel and Restaurant Employees' and Bartenders' International Union.
Railroad Yardmasters of America.
Brotherhood of Sleeping Car Porters.
American Railway Supervisors Association.

I might say that all of these organizations, with the exception of the Brotherhood of Railroad Trainmen, the Order of Railway Conductors and Brakemen, American Railway Supervisors Association, and Brotherhood of Locomotive Engineers, are affiliated with the AFL–CIO.

Thus, S. 1386 has the support of all of the standard railway labor organizations. My clients are the authorized representatives for the purposes of the Railway Labor Act and to secure general improvement of working conditions of individuals employed on sub-

stantially all of the railroads in the United States in every working capacity. The employees most immediately concerned by the conditions which this bill seeks to alleviate are the operating employees; that is, the locomotive engineers, locomotive firemen, conductors, and brakemen. However, what the bill seeks to accomplish is the proper concern of every railroad man.

These organizations are supporting this bill because the railroads in the United States are using, or permitting to be used on their respective lines in the movement of interstate and foreign traffic, cars and trains in both passenger and freight service which are not in proper condition and are unsafe to operate, in that power braking systems and appliances for operating those systems are not being installed, maintained, inspected, and repaired in such manner as to provide adequate and dependable braking control over the cars and trains. We have reports of many of the employee-members of these organizations being injured in train service because of airbrake failure, which I shall speak of later.

As the committee knows, the Safety Appliance Acts now in force make it unlawful for a railroad to operate any trains without a sufficient number of cars equipped with power brakes so that the engineer can control the speed of the train from the locomotive.

By section 2 of the act adopted on March 2, 1903, the percentage of cars with power brakes required in a train was set at a minimum of 50 percent and the Commission was empowered to increase that percentage. Pursuant to that authority the Commission has twice increased the percentage. Orders of the Commission requiring the installation of power brakes on all cars has caused this percentage to be 100 percent.

We feel that it is essential that this legislative grant of power contained in the Safety Appliance Act be supplemented by the ancillary power in S. 1386 to prescribe the type of brakes that satisfy the law and to prescribe reasonable standards for inspection, maintenance, installation, and repair.

The fact is that the already granted power to specify the percentage of power brakes is nugatory without the additional power this bill would confer upon the Interstate Commerce Commission.

It is nugatory for this reason—it is not enough that cars be equipped with power brakes. To be effective, those brakes must be in working order at all times when the train is in motion. And as matters now stand the Commission possesses and has exercised its power to order the installation of power brakes, but it lacks authority to insure that the brakes will work once they are installed.

It is common knowledge and common sense that brakes designed to function adequately should be used to control the speed of trains and that proper inspection, maintenance and repair are necessary to guarantee their performing that function. Any mechanical device can get out of order and wear out. It is only as good as the maintenance given it.

The law now in effect was enacted to protect the traveling public and railroad employees from unnecessary peril to life and limb, and the Commission was entrusted with the duty of carrying out that purpose. That duty is not being fully performed so long as the Commission lacks the power to establish and enforce rules, standards, and instructions

for the installation, inspection, maintenance, and repair of power brakes and power-brake appliances.

I think that nearly everyone will find it surprising and incongruous that the Interstate Commerce Commission does not have the power which this bill seeks to give it. The Commission has been given by Congress almost complete power over the prescription and regulation of a large number of other safety devices, and yet the device, that is, the brake, which would strike one as being the most important requirement for the safety of the traveling public, and the railroad employees, and the protection of millions of dollars' worth of equipment and lading, is most inadequately governed.

Under the Locomotive Inspection Act, the Commission has prescribed comprehensive codes of rules and instructions for the inspection and maintenance of steam locomotives, of locomotives other than steam (which include the diesel and electric engine) and of multiple-unit electric cars.

Under the Safety Appliance Acts, the Commission has the power to regulate the proper maintenance and equipment of freight and passenger cars, and it has exercised that power.

Pursuant to the authority given it under the Signal Inspection Act, the Commission has ordered the installation of types of signal equipment and train-control devices depending upon the speeds at which trains are operated, and has promulgated and enforced a comprehensive set of rules, standards, and instructions for the inspection and maintenance of signal instructions, for the inspection and maintenance of signal systems, interlockings, and train-control devices.

Indeed the only phase of operational railroading which involves the use of devices designed to protect the traveling public and railroad employees which is not subject to the fullest extent to the regulation of the Commission and its expert staff is brake equipment. There has never been to my knowledge any real lack of agreement by the railroads as to the need for conscientious inspection and maintenance of power-brake equipment or even as to the methods and details of carrying out this essential service.

In 1925 members of the staff of the Interstate Commerce Commission worked with a committee of the mechanical division of the Association of American Railroads for the formulation of a set of rules to be observed in the maintenance and testing of airbrake equipment.

These rules were adopted as standard in 1925 and remain in effect with revisions made in 1933, 1934, 1941, and 1953. The rules are published by the Association of American Railroads' operations and maintenance department, mechanical division, in a booklet entitled "Maintenance of Airbrake and Air-Signal Equipment." Their original and intended functions are laid down in the preface of the book, as follows—and, incidentally, that book has been offered to you as an exhibit by Chairman Owen Clarke of the Interstate Commerce Commission as exhibit No. 2.

This is the preface—

These rules were formulated jointly by the Bureaus of Safety and Locomotive Inspection of the Interstate Commerce Commission and the committees on safety appliances and brakes and brake equipment of the Association of American Railroads. They represent minimum standards for maintenance of airbrake and air-signal equipment on locomotives and cars. Nothing herein contained should be construed as prohibiting carriers from enforcing additional rules and instructions not inconsistent with these rules.

Two things should be noted about these rules. The first is that they represent only minimum requirements to be observed by railroad companies for maintenance of brake equipment.

Secondly, and perhaps more important for the purposes which bring us here, there is nothing to require the railroads to adopt these rules. In fact, they have not been adopted by all railroads. What is more, there is no provision for enforcement of the rules by those railroads which have seen fit to adopt them.

Consequently, these safety rules are in varying degrees observed by the railroads. They are all but ignored by some roads. The failure to effect proper inspection and maintenance of airbrakes and the consequence of such neglect have been noted with growing alarm by the railway labor organizations who have natural concern with the welfare of the railroad industry and the safety of persons who ride the trains.

I said a moment ago that there has been no lack of agreement that rules pertaining to power-brake systems are needed, and need to be enforced. I think the accuracy of my statement will be revealed when you hear from the railroads. I think you will find the issue before you will resolve itself from these contentions—the railroads will contend that they have adopted a satisfactory job of complying with them on their own account. On the other hand, the Interstate Commerce Commission contends, through testimony yesterday, based upon impartial appraisals and its experience, that some railroads have not adopted the rules, and that, with respect to those who have, there has been widespread noncompliance.

Senator PURTELL. May I interrupt a minute, Mr. Chairman?

Senator SCHOEPPEL. Surely.

Senator PURTELL. On page 8 you state, in quoting the rules, "These rules were formulated jointly by the Bureaus of Safety and Locomotive Inspection of the Interstate Commerce Commission and the committees on safety appliances and brakes and brake equipment of the Association of American Railroads."

Now, you say, on the next page, in fact they have not been adopted by all railroads.

Mr. HEISS. That is right.

Senator PURTELL. My question is this: Are the railroads who have not adopted them members of the Association of American Railroads?

Mr. HEISS. Some are.

Senator PURTELL. In other words, they subscribe to these rules when they were formulated but have not adopted them since or used them?

Mr. HEISS. Perhaps that is not a completely accurate statement. The Association of American Railroads is, of course, a voluntary association which functions through its committees.

Senator PURTELL. I realize that.

Mr. HEISS. Those committees entered into these rules. The association had no way of compelling its members to accept the rules even from the beginning.

Senator PURTELL. I realize that.

Mr. HEISS. Some didn't take them from the beginning.

Senator PURTELL. Did they oppose them, that is what I am trying to find out, when this agreement or these rules were formulated, was there any opposition voiced by any members of the Association of American Railroads?

Mr. HEISS. I am not informed on that subject.

Senator PURTELL. What I am trying to find out is, were these adopted and then not paid attention to by some of the railroads and did the people not paying attention to them acquiesce in the formulation and adoption of these rules?

Mr. HEISS. That I don't know, sir.

Senator PURTELL. Very well. I apologize for the interruption. But many times we lose sight of these later.

Mr. HEISS. I should be very happy to have you ask questions at any time. I think those of us who prepare these statements probably take some things for granted and, of course, there are some things that we dont' know and we should be glad to have you ask questions.

The executive officers and members of the 23 labor organizations are certain that the contentions of the Commission are correct. We believe you should so find, and that upon making such finding you recommend the bill be passed.

This is not the first time a power-brake bill has been before Congress. In April 1953, the Senate Committee on Interstate and Foreign Commerce conducted hearings on railroad safety in connection with a bill it was then considering designed to bring about greater safety in train operation. That bill, S. 1401, which would have enabled the Interstate Commerce Commission to set up and enforce safety standards for airbrake operation, was not reported out of committee. It was vigorously opposed by the railroad industry, a position in keeping with the carriers' reluctance over the years to avail themselves of the most modern and effective safety equipment.

In the course of the hearings, evidence was presented respecting the urgent need for action toward enforcement of high standards of brake performance and maintenance. Mr. W. J. Patterson, then a member of the Interstate Commerce Commission, and to whom matters of railroad safety were normally delegated, strongly advocated passage of the bill. In his testimony he expressed the Commission's concern over the widespread nonobservance of the accepted safety rules for airbrake maintenance and inspection in this manner:

"The railroads, collectively, through the Association of American Railroads, have failed to bring about the general adoption and enforcement of satisfactory rules for maintenance and testing of airbrakes. Because of the interchange of cars thorughout the country, the necessary improvements cannot be realized unless standards of maintenance are placed in effect on all railroads. The failure on the part of many railroads to comply with even the present minimum requirements places an undue burden on those roads which endeavor to comply with the requirements of their existing rules."

The records of the Bureau of Safety of the Interstate Commerce Commission support Mr. Patterson's testimony. As you know, the Section of Railroad Safety of the Bureau prepares an annual report of its activities, including inspection of safety appliance equipment on railroads, installation and inspection of signal systems, interlocking and automatic train-stop and train-control devices, and investigation of railroad accidents. The work of the Bureau of Safety in connection with inspection of safety appliances is limited to spot checks or sampling of the practices followed by the railroads.

The Bureau's own description of the scope of its activities is contained in its report to the Commission of June 30, 1954, at page 4:

At best, our inspections, even at important inspection points, are relatively infrequent; at least one inspection should be made at each important inspection

point each year by each inspector, but since the inspectors are required to perform other important duties, such as the investigation of accidents and other special assignments, such coverage is not always possible even when a group is fully manned. Inability to keep the inspection force at its authorized strength further reduces this limited inspection schedule.

Some results of Bureau of Safety inspections of power brakes on trains before departure from terminals were cited by Commissioner Patterson in his appearance before this committee in 1953. The purpose of these tests by the Commission inspectors was, of course, to determine whether railroads were running cars with bad brakes. Mr. Patterson's comments in this regard before the committee were as follows (p. 49 of 1953 hearings):

In the fiscal year 1952, our inspectors made airbrake tests on 2,661 trains, consisting of 122,214 cars, before departure from terminals. Railroad forces had prepared these trains for departure. However, when afterwards tested by our inspectors, it was found that brakes were defective or inoperative on 5,626 of the cars. As a result of these tests, 2,744 cars having defective brakes were set out, and brakes were repaired on 2,828 cars remaining in the trains. * * *

Most, if not all, of the cars * * * with inoperative or defective brakes should have been discovered and given proper attention while the trains were being prepared for departure. There is no doubt that if tests had not been conducted subsequently by our inspectors, the cars would have been allowed to depart with brakes in defective or inoperative condition. Inspections of this character consist merely of a sampling or spot check of the practices followed by the railroads. This general condition should be corrected, and it can be done by the adoption and enforcement of adequate air brake rules.

Perhaps, for the purpose of emphasis, we ought to briefly summarize Mr. Patterson's findings. In the first place, it should be remembered that the trains inspected by the Commission's inspectors had already been prepared for departure by the railroad forces. That means that the railroad practices permitted the trains to leave the terminal in the condition the Commission inspectors found them.

The second point to remember is that when the Commission inspectors got on the job they discovered that 4.6 percent of the cars they inspected had inoperative or defective brakes. Roughly half of the cars on which defects were observed had to be taken out of the trains, while the remaining cars were repaired where they stood.

Senator SCHOEPPEL. I would like to ask you this question at this point: In your experience and the experience of your experts, do you have a minimum tolerance of failures that are permitted? Naturally you strive for 100 percent efficiency.

Mr. HEISS. No, there is no minimum tolerance. There is no minimum tolerance tolerated.

Senator SCHOEPPEL. That is the point I wanted to get.

Senator SMATHERS. Let me ask right along that line: In other words, I think what the railroads fear is the fact that if they have a train all made up ready to go, they have it loaded with expensive materials, we will say, they might even have fruit from Connecticut on it, getting ready to go to the market, and a fellow comes along and says, "Wait a minute now, this brake on this is not quite good, it is defective." Then they have to switch around and pull the cars out, and put a new car on and load it again.

Now, is it possible to use that defective braked car that was already loaded, is it possible to use that car in the train without in any way endangering the life or limb or hurting the operation of the train?

Mr. HEISS. Every defective car immediately impairs the braking power of the train.

Senator SMATHERS. Of the whole train?

Mr. HEISS. Of the whole train, without question.

Senator SMATHERS. In other words, it is possible for that particular defective brake to cut off the braking system for the whole train?

Mr. HEISS. It is possible for it to do it, yes; not only that, but parts could fall to the track and cause derailments.

Senator PURTELL. I would imagine there is a standing percentage of safety if all the brakes were operating, you would have a percentage of safety that is percentagewise, I would imagine, rather high.

Mr. HEISS. I wouldn't say it would be excessive.

Senator PURTELL. I don't say excessive, but you must have some safety factor.

Mr. HEISS. There probably would be some small safety factor. But I would say from my experience it is not very great. From the moment you permit a single car to leave the terminal with defective brakes, you set up an incipient accident.

Senator PURTELL. Have you any figures that would indicate what that safety factor might be?

Mr. HEISS. I don't. I don't think they are available.

Senator PURTELL. I don't think they would be difficult to obtain.

Mr. HEISS. I don't think those calculations have ever been made by the Commission or by our people or by the railroads, sir. I think my answer that I originally gave was the correct one, there is no tolerance to be tolerated.

Senator PURTELL. Thank you.

Mr. HEISS. The figures on pages 12 and 13 were 1952 figures.

Senator SMATHERS. May I ask you one other question? You have had experience in this kind of thing. Has the brake bill been offered to the Congress previous to 1953?

Mr. HEISS. Not that I know of, sir.

Senator SMATHERS. That was the first time that a bill of this nature had been offered?

Mr. HEISS. The first and only time of which I am aware. If I am in error on that, I hope our national legislative representatives who are here will correct me. If I find something different, I will notify you.

Senator SMATHERS. You have a long statement here. If you can find anything that you can leave out which is repetitious of that which is already said, don't fail to skip over it, and we will make it a part of the record.

Mr. HEISS. I have some plans in that respect, sir. Excuse me for interrupting you.

Senator SMATHERS. Very well.

Mr. HEISS. To bring this experience up to date, we wish to refer to the report of the Section of Railroad Safety for the fiscal year ended June 30, 1956, this being the last available report. It shows that there is continuing and substantial nonobservance of these rules.

In airbrake tests made prior to departure of trains from terminals 2,484 trains consisting of 117,300 cars were tested by Bureau of Safety inspectors. Of these, 3,221 cars with defective brakes were set out and another 4,634 cars had their brakes repaired and remained in the train, and 152 with inoperative airbrakes were allowed by the car-

riers to depart in the trains. Thus a total of 8,007 cars were found to have inoperative or inefficient airbrakes. Those are precisely the figures given you yesterday by Chairman Clarke.

Senator PURTELL. Have you any information which would indicate whether or not the crews that are available for such inspection, whether it would be physically possible for the number allocated to that inspection to do the necessary inspection on the trains operated? That is a long question, maybe I had better rephrase it.

Mr. HEISS. I am glad that you asked the question, sir. I think I have the answer to it.

Senator PURTELL. All right.

Mr. HEISS. If the inspection crews were maintained at an adequate level, the company inspectors—and the men are available—these inspections could be made, they could be made readily without delaying the trains and with increased efficiency. The trouble is that in recent years the railroads have pared all of their forces, and particularly their shop forces and their maintenance and their inspector forces so that the number of employees available to carry out these functions is now below standard.

Let me give you just these figures along the way, if you will.

Senator PURTELL. Very well.

Mr. HEISS. In December of 1950, which is 6 or 7 years ago, and which is the time there was a transition from above the 40-hour week to the 40-hour week in this phase of the railroad industry. There were 1,277,119 railroad employees. The last figure that I have for January 1957 shows that railroad employment had dropped to 996,105 employees. The first time in all the time that I have ever known anything about railroading—and that goes back to about 1920 figures—that the figure of employment has dropped below a million. And the February figures, I am advised, are approximately 990,000 employees.

Now that is the total railroad force. The company inspectors come from the craft of carmen. In December 1950 there were 22,303 passenger-car men. In December 1956 that force was reduced to 17,075.

Senator SMATHERS. Would you mind giving us the estimate as to whether the railroads are operating fewer trains?

Mr. HEISS. They are operating more trains. I have got some figures on those. May I just continue, please?

Senator SMATHERS. Yes.

Mr. HEISS. Because I haven't completed these figures and you might want it at one place in the record.

There are freight-car men in December 1950 in the total number of 66,212.

Senator PURTELL. These are inspectors.

Mr. HEISS. No, these are carmen. The inspectors come from that craft. In December 1956 there were 57,985 carmen, a very substantial proportion loss of force.

Now what has happened is that they have taken off the inspectors. They don't have an adequate number available to do the job where the inspectors are assigned and at intermediate terminals where they formerly had inspectors they have taken them off entirely.

Senator SMATHERS. Are they operating more or less now than in 1950?

Mr. HEISS. I think they are operating more trains, carrying more passengers and freight and everything else.

Senator SMATHERS. You say you think you are willing to testify to that?

Mr. HEISS. I would say the number is equal or greater.

Senator SMATHERS. All right.

Mr. HEISS. May I check that and give some figures on that?

Senator SMATHERS. I see some men shaking their heads on that. Mr. Chairman, what are the facts with respect to the numbers of trains? These figures don't mean too much if they are operating a lot less trains. It means something if they are operating the same number of trains or even more trains.

Mr. CLARKE. We would be glad to furnish that to the committee, if available.

(Information shown in appendix C at end of ICC Chairman Clarke's statement.)

Senator PURTELL. Has anybody from the Commission any information that they can give us now so that we can pursue this subject? Because the relationship between the number of trains operating and number of people employed is extremely important.

Mr. CLARKE. The number of passengers being carried has dropped. Presumably there are fewer passenger trains. The freight trains are longer, but I think there are perhaps just as many freight trains.

Senator PURTELL. Let's go back again and talk about cars because that is what we are interested in, not trains. Are there a greater number of cars today than there were in 1950, so that we can use these figures, in operation I mean?

Mr. CLARKE. About the same number of cars.

Senator PURTELL. Let me ask one question. You speak about these 57,985. These are not all car inspectors?

Mr. HEISS. No.

Senator PURTELL. Then can you give us a figure on the car inspectors, because those are the people that inspect these brakes; are they not?

Mr. HEISS. We don't have the figures and I don't think they are broken down in the Commission records.

Senator SMATHERS. There is not a separate craft of just car inspectors; is that right?

Mr. HEISS. There is not.

Senator SMATHERS. In other words, the fellows who do inspect the brakes on the car also do some other job?

Mr. HEISS. That is right.

Senator PURTELL. Isn't it true, these fellows whom I think are commonly called car knockers, are fellows that inspect at the various stops or at the terminals and they check not only the brakes, but other parts of the equipment for which there would be a need for inspection at that point, such as, hot boxes?

Mr. HEISS. Yes; they look for everything that can be observed.

Senator PURTELL. I am trying to find out, can we get any relationship between the number employed at some time in a prior year and the number now, to find out whether they are physically able to make these inspections with the number of cars in operation?

Mr. HEISS. I don't have the figures; I don't know. I can tell you what reports from our people are and that is that the number of car inspectors has been greatly diminished below the standard at which it ought to be maintained and that our people tell us that at places where car inspectors were formerly assigned they have been taken off.

Senator PURTELL. Is it your contention then that even if they wished to do the necessary inspection that the forces available by the railroad are inadequate to do it?

Mr. HEISS. Yes, sir.

Senator PURTELL. That is what I want to find out.

Mr. HEISS. That is exactly our contention.

Senator PURTELL. But you haven't got the figures to give us to indicate why you say that?

Mr. HEISS. Other than those that I have given you?

Senator PURTELL. Yes.

Senator SMATHERS. Do you have any estimate as to how many additional men, for example, and how much it would cost the railroads if this bill were passed, if they were required to conduct this inspection or meet this standard which we are talking about. Do you have any idea what additional expense that would be to the railroads, just offhand?

Mr. HEISS. No; I don't have. But I want to make this point in connection with that: I don't think safety is to be measured in terms of dollars.

Senator SMATHERS. You don't have to make that speech to me. I agree. I want you to answer that question. Do you have any idea as to how many additional men it would require the railroads?

Mr. HEISS. No, sir; I do not.

Senator SMATHERS. You don't. All right. Thank you very much.

Senator PURTELL. But you do feel it would require additional men?

Mr. HEISS. I think they would require it and they ought to be assigned and they ought to be assigned now. When they took them off they created a condition of hazard and danger to which we object.

Mr. SMATHERS. All right, sir; you go ahead now.

Mr. HEISS. Thank you, sir.

According to the report, at page 2:

> These trains had been prepared for departure, yet when afterward tested by our inspectors it was necessary to set out cars or repair the brakes on an average of 3.16 cars per train. Had these trains departed prior to inspection by the Commission's inspectors, the percentage of operative brakes would have been only 93.2.

If the Commission's inspectors could find these so-called bad-order cars after the trains were made up, the inspectors for the carriers should have found them before the trains were made up. If the Commission's inspectors had not found these cars, there is no doubt they would have been allowed to depart from the terminal in their defective or inoperative condition.

Senator PURTELL. These inspections made at the origin of the run or——

Mr. HEISS. When the train was prepared for departure.

Senator PURTELL. When it was made up?

Mr. HEISS. Yes.

We should bear in mind that the work of the Commission's inspectors consist merely of a sampling or a spot check of the practices followed by the railroads. There are many thousands of trains both passenger and freight departing from terminals that the Commission's inspectors cannot see.

The following table compiled from data contained in Bureau of Safety reports for the fiscal years indicated shows the number of cars tests had been made by Commission inspectors:

Number of trains and cars inspected, cars set out and cars repaired in train

Fiscal year	Trains	Cars	After inspection began		Fiscal year	Trains	Cars	After inspection began	
			Cars set out	Cars repaired in train				Cars set out	Cars repaired in train
1950	2,826	124,708	2,364	2,045	1954	2,978	138,302	3,557	4,865
1951	2,750	117,353	2,549	2,213	1955	2,590	123,418	2,883	4,504
1952	2,661	122,214	2,744	2,828	1956	2,474	117,399	3,221	4,534
1953	2,754	121,710	2,500	2,158					

Mr. HEISS. I want to call attention to these figures. Starting in 1952 there were 2,661 trains inspected and 122,214 cars. Of those 2,744 cars were set out and 2,828 were repaired.

Now, if you compare those with the 1956 figures, you will see that in 1956 the inspectors actually inspected 4 trains and 4 cars, but that they found a greater number of cars that they had to set out than they did in 1952, and that a larger number had to be repaired on the train than in 1952.

Senator PURTELL. Had there been any change in the standards between 1950 and 1956?

Mr. HEISS. No, sir.

These results are noteworthy in that they reveal direct violation of the Association of American Railroads' rules laid down as minimum safety requirements for all railroads. Had railroad inspectors performed the required tests, described in rules 25–32 in the section of the rule book entitled "Initial Terminal Train Air Brake Tests," before making up the train for departure, the tests by the Commission inspectors would not have revealed a significant number of cars ready to leave the terminal with defective brakes.

Just for the purpose of illustration I should like to mention two of the rules of inspection set forth in the AAR rule book.

First, among the rules to be complied with in making an initial terminal airbrake test, and one of the most important, is that concerned with piston travel of brake cylinders, in connection with which certain permissible maxima are fixed by rule 27. The determination of piston travel is one of the tests to be made "on each railroad at initial terminals."

Despite this, the tests made by Commission inspectors as reported at page 2 of the report of the Section of Railroad Safety for the year ended June 30, 1956, found 5,360 of 117,247 brakes considered operative in departing trains tested to be functioning with impaired efficiency due to excessive piston travel, 4.5 percent. Of 94,879 cars having operative brakes, in arriving trains, 8,867 (9.14 percent) operated with impaired efficiency because of excessive piston travel.

Second, among the rules to be complied with in making an initial terminal brake test is rule 26 which states that brake-pipe leakage must not exceed 5 pounds per minute. Excessive leakage can, of course, be located by inspections. Perhaps I can abbreviate discussion of this subject by again quoting from Commissioner Patterson, who states the matter as well as it can be.

At page 177 of the 1953 hearings, Mr. Patterson said in a letter to the chairman of the committee:

> I have previously introduced evidence furnished by our inspectors showing the failure of many railroads to comply with existing rules. Further evidence of this can be found in the annual published proceedings of the mechanical division of the Association of American Railroads and in their circular letters of recent years wherein attention of all member lines was called to the troubles experienced because of defective power-brake equipment resulting from failure of many railroads to comply with the rules. In the published proceedings of recent years railroad officers have stated that most railroads are not complying with the rules; that trains are being operated over mountain ranges without sufficient air pressure at the rear of train for safe operations, and that trains were being reduced to 50 percent of their normal number of cars because of excessive brake-pipe leakage. Excessive brake-pipe leakage can only be found by appropriate tests when the cars are on repair tracks and I am advised that only a few railroads are making such tests.

Senator PURTELL. Are we to draw any conclusions from your statement on page 16 that the percentage—the number of cars—was substantially more when you got to the terminal of the run than the point of origin? You showed it was 4.5 on these cars inspected which were found to have inefficient operating brakes, piston travel, and you find that it is increased by 4 percent at the terminal.

Mr. HEISS. Yes.

Senator PURTELL. Would that indicate anything at all, would that indicate that these are in such bad condition that a run would put them inoperative?

Mr. HEISS. I don't know the answer to that.

Senator PURTELL. There is a substantial difference, isn't there?

Mr. HEISS. Very substantial.

Senator PURTELL. It could even be a difference in the inspectors, couldn't it?

Mr. HEISS. Yes, sir.

Senator PURTELL. Thank you.

Mr. HEISS. Excessive piston travel and brake-pipe leakage are, of course, not the only undesirable conditions that can be located by terminal inspections. By such inspection the following defects, among others, may be found, according to information given me by my clients: worn brakeshoes, broken brake rods and levers, missing brake pins, worn brake beam heads, broken brake hangers, defective triple valves, defective retaining valves, bad cylinder packing causing brakes to leak off, excessive piston travel, leaky brake pipes, and leaky train lines.

It goes without saying that the discovery of these conditions is an indication of malfunctioning brakes. Such discovery, followed by correction of substandard conditions, our members believe, is a most important feature of assuring proper brake performance.

I should like now to shift to another subject; namely, the increased necessity in recent years for adequate and enforcible rules for the inspection and maintenance of power brakes brought about by the

increase in the length of trains, by the fact that the loads being carried are heavier, and by the fact that the speeds of trains are greater.

Senator SCHOEPPEL. I would like to ask this question: From your knowledge and from the knowledge gained by these men who have been in this service for a long while, and obviously experience makes them nearer the expert class than otherwise, what do you consider under normal working operation or normal operating mileage of a car, what would be the length of time, if you know, that good brake equipment would deteriorate?

That is, without any wrecks or anything like that. In other words, is it necessary to repair or to replace this equipment after so many years? Have you had any studies made on that?

Mr. HEISS. No, there isn't. I understand this, however, if good equipment is originally installed and proper maintenance is given it according to the rules, that there is very little, by way of a large replacement necessary. That is, if you just keep on top of the job, you can keep the brakes in good working order, without major activity.

Senator SCHOEPPEL. Thank you.

Mr. HEISS. Technological changes in the railroad industry in the past two or three decades have been numerous and far reaching. Their combined impact has been to make physically possible the operation of longer and heavier trains at higher speeds. There have been many improvements in locomotives, signal equipment, roadbed, and rolling stock which have contributed to this ability to move heavier loads and longer trains as well as to increase speed.

Perhaps the biggest single step in this direction has been the diesel locomotive which is rapidly supplanting the steam locomotive. The power and larger tractive effort of the diesel locomotive have contributed heavily to the change to longer and heavier trains, particularly in through-freight service.

Let us look to see what has happened to the size of trains. In 1921 the average freight train had 38 cars. By 1955 the average length of the freight train had increased to 67 cars, or nearly doubled.

But the use of the diesel locomotive has had the noticeable effect of increasing not only the average length but the maximum length of trains as well. It is possible to couple an almost indefinite number of diesel units together to make a huge locomotive capable of hauling a tremendous number of cars. Using up to 7 and 8 diesel units coupled together, some railroads operate consistently trains of more than 125 cars. Freight trains made up of 200, 230, 270, and as many as 300 cars are reported to us by our members.

Just to interpolate, there is a rule of thumb. You can say a hundred cars is a mile in length. So you can calculate the length of a train if you know the number of cars just approximately by using that rule of thumb. So a 300-car freight train is approximately three miles long.

The average speed of the freight train has increased from under 11 miles per hour in 1921 to 18.8 miles per hour in 1955. This, of course, is an average which includes attained speeds of 50 to 60 miles per hour and more.

Individual freight cars are longer and carry much more tonnage than they formerly did. Gross ton miles per train mile have more

than doubled from 1921 to 1955, indicating a doubling of the average gross weight of freight trains. The gross ton miles per train hour have more than tripled since 1921—from 16,551 in 1921 to over 56,000 in 1955—showing a tremendous increase in loads handled and distance covered per unit of time.

Thus, there has been a vast change in the operation of freight train service over the past 25 to 30 years. A short train of 25 cars traveling at low speeds is of a very different nature from the present freight trains of anywhere from 100 to 300 cars traveling between 45 and 70 miles per hour. Obviously this new type of train operation brings new problems, and intensifies problems and dangers which have always existed in connection with freight train operation.

A report of the Association of American Railroads containing the results of laboratory and road tests made by Purdue University and filed with the Interstate Commerce Commission in 1944 explains some of the special problems a long train presents in the operation of air brakes:

> The cause of shock in braking long freight trains is principally due to the difference in speed between the head and rear ends of the train developed during the early stages of the brake application by the brakes on the head end of the train becoming effective sooner than those on the rear end of the train. This difference in speed is effected by the rate of propagation of the brake application through the train, the rate of development of brake cylinder pressure on each car and locomotive, the rate of retardation of the locomotive and the brake-pipe gradient through the train. * * *

There appears to us to be an obvious need for the highest type of safeguard to surround this high tempo, massive operation.

Although the Interstate Commerce Commission has been granted by law and has exercised full power over such safety appliances as signal devices, it has not, unfortunately, we feel, been given similar power to regulate what is perhaps the most important item for the control of the train, the airbrake. The greater the tractive effort, the higher the speed, the heavier the load, the more vital it becomes to insure an adequate and properly functioning automatic airbrake.

In light of the widespread changes brought about by the new technological advances in railroad operation, the maintenance and inspection of braking equipment which can keep pace with these innovations—which can adequately and safely control higher speed, longer and heavier trains—is of the gravest importance.

I pause to again note that the last legislation by Congress dealing with brakes is more than a half-century old. It scarcely could have been designed to cope with modern conditions.

We are, of course, particularly concerned with the lack of adequate power brake rules as resulting in accidents of a variety in kind and severity. These organizaitons have received numerous complaints from the men who work on the trains that the brake pipe pressure at the rear of the train is inadequate and that inspections are not made to discover and cure such inadequacies.

There have been complaints that the piston travel has been excessive, that there have been many instances of excessive airbrake pipe leakage resulting in lack of adequate pressure in the rear of the train. When there is inadequate pressure in the rear of the train, it is hazardous particularly to the men in the caboose because the front of the train having the proper pressure will be caused by the brakes to

stop quickly, while the rear of the train with inadequate pressure runs into the front of the train, so to speak.

And it is not at all infrequent that men are hurled about the caboose and sustain disabling injury. Improper airbrake pressure also increases the difficulty encountered by the engineer in handling the train and controlling speed. Signals may be overrun because a stop cannot be made at them because of lack of air pressure. In such situations there is always the possibility of a collision, or a derail.

If there is a break-in-two, that is, if the couplings of the train are separated, the segments of the train should, and do stop, but if the air pressure on the rear of the train is inadequate, it will take longer to stop, and the rear part may collide violently with the front portion of the train. This situation involving a train breaking in two, followed by the rear portion running at high speed into the head portion is not a creation of fancy. Such incidents occur more frequently than one would suspect.

An illustration of one such accident is contained in Report No. 3568 issued by the Interstate Commerce Commission on July 9, 1954, describing an accident which occurred on January 15, 1954, on the New York Central Railroad in which five persons were injured, to wit, one passenger, three dining-car employees, and one train-service employee.

In its report, the Commission found that the accident was caused by insufficient braking effort on the rear car to stop the car short of the forward portion of the train after the train became separated. In its discussion the Commission said:

> Because of excessive brake-cylinder piston travel and lower braking ratio, after the separation in the train occurred the stopping distance of the rear car was greater than that of the forward portion of the train, and as a result the rear car collided with the forward portion of the train before it stopped.
> N. Y. C. 2796—

that was the rear car—

> arrived at Indianapolis on No. 427 about 3 a. m. on the day of the accident. The car was inspected on arrival at Indianapolis and again before its departure on No. 24. No defective condition was found, although it is evident from the take-up on the slack adjuster and the word condition of some of the brake shoes that excessive piston travel had existed for some time previous to the occurrence of the accident.

Apart from the more spectacular accidents, there occur a great many accidents on railroads which do not make the headlines but are nonetheless alarming. Many railroad employees are injured—some slightly, some very seriously—each year in such accidents. The most common cause of these accidents in freight service is the irregular starting and stopping, the lurching or jerking motions, due to slack action.

I should like to say an additional word or two about slack action accidents. Road conductors and brakemen in the most part are members of the Order of Railway Conductors and Brakemen and Brotherhood of Railroad Trainmen. The officers of these organizations are constantly in receipt of complaints from the members about the hazards of railroading. These complaints are warranted, in my opinion, for, with the exception of yard ground switching employees, the occupations of road freight conductors and brakemen are the most dangerous in the railroad business.

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A high proportion of the injuries suffered by road conductors and brakemen are sustained in the course of slack action accidents of varying degrees of seriousness which occur by hundreds and even thousands annually. Slack action accidents are not separately set forth in the records of the Interstate Commerce Commission and we know of no source from which figures can be secured as to their number.

To be candid, not all slack action accidents are the result of faulty brakes or inadequate brake pipe pressure—but a high and important percentage of them are. In the judgment of my people the slack action accident, which is a chief source of hazard of the road man, can be radically reduced in quantity and severity by establishment and enforcement of powerbrake rules.

Because of reports of many members being injured in train service because of airbrake failures or the lack of inspection, the Brotherhood of Railroad Trainmen has over the years since 1951 written the chairmen of their committees on certain selected railroads asking to be advised of instances where trains were being permitted to depart from terminals when the air pressure in the train line was less on the rear of the train than it was on the locomotive.

Hundreds of cases were reported to the Brotherhood from about 30 railroads, that is the select group, where the variation between the pressure on the locomotive and the rear end of the train was more than 10 pounds. In many cases the differential was as much as 45 to 50 pounds.

These conditions were reported to the Commission which made investigations and found conditions to be generally as had been reported to us by our men in train service. When there is a difference of more than ten pounds in pressure between the head and rear ends of the train, air brakes are not completely effective, and sometimes have no effect at all on the rear end of the train. This can, and does, result in accidents and bodily injury.

Members of the Order of Railway Conductors and Brakemen, and Brotherhood of Railroad Trainmen have reported that there are many instances where railroads permit trains to depart from the terminal without proper airbrake tests and some of those instances have been reported to the Commission. The Bureau of Safety and Service reports indicate that the Bureau inspectors have found many such instances, but there is nothing under the law that permits the Commission to enforce the existing rules requiring such inspection and air tests.

Under date of April 23, 1953, Mr. Harry See, vice president and national legislative representative of the Brotherhood of Railroad Trainmen, submitted a letter to Senator Andrew F. Schoeppel, then and now a member of the Senate Committee on Interstate and Foreign Commerce, which committee was conducting hearings on S. 1401, a bill which I mentioned before as being similar to the one now before this committee.

Mr. See set forth in that letter selected data secured from the reports received from the membership and information from the Bureau of Safety following its investigation. In other words, the brotherhood received reports and we asked the Commission to investigate. On the next two pages we have the results of that investigation. May we look at just one or two or three of them perhaps.

UNION PACIFIC RAILROAD

We reported to the ICC differences in the train line at Montpelier, Pocatello, Glenn's Ferry, Idaho; Green River, Cheyenne, Wyo.; Salt Lake City, Ogden, Utah; Huntington, Oreg.; Sidney, Hastings, Grand Island, North Platte, Nebr.

On July 17, 1952, the ICC advised that between September 18, 1951, and May 15, 1952, its inspectors checked 39 trains at the above-mentioned terminals, and found 5 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 18 pounds.

ATCHISON, TOPEKA & SANTA FE RAILWAY

We reported to the ICC differences in the train line on the Missouri division, Illinois division, Panhandle division, Eastern division, New Mexico division, and the Middle division. On May 8, 1952, the ICC advises that between July 19 and December 7, 1951, its inspectors checked 159 trains and found 12 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 19 pounds.

MILWAUKEE ROAD (CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC R. R.)

We reported to the ICC differences in the train line at La Crosse, Wis.; Marquette, Green Island, Dubuque, Iowa; River Junction, Minn.; Savannah, Faithorn, Ill.; Terre Haute, Bedford, West Clinton, Ind.

On May 9, 1952, the ICC advised that between August 6, 1951, and January 10, 1952, its inspectors checked 79 trains at the above-mentioned terminals and found 11 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 20 pounds. The Commission further advised that during these investigations several cases were observed in which train brake tests were improperly made.

CHICAGO & NORTH WESTERN RAILWAY

We reported to the ICC differences in the train line at Tracy and Waseca, Minn.; Clinton, Iowa; Proviso, Ill.; Butler, Wis.

On May 9, 1952, the ICC advised that between August 24, 1951, and February 13, 1952, its inspectors checked 35 trains at the above-mentioned terminals, and found 12 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 30 pounds.

BALTIMORE & OHIO RAILROAD

We reported to the ICC differences in the train line at Parkersburg, Benwood Junction, Fairmount, Holloway, Keyser, Monogah, and Haywood, W. Va.; Willard, Ohio; Hagerstown and Cumberland, Md.

On May 9, 1952, the ICC advised that between July 18 and October 17, 1951, its inspectors checked 43 trains at the above-mentioned terminals, and found 5 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 21 pounds.

NORFOLK & WESTERN RAILWAY

We reported to the ICC differences in the train line at Williamson, W. Va., and Portsmouth, Ohio.

On May 9, 1952, the ICC advised that between July 17 and October 4, 1951, its inspectors checked 20 trains at the above-mentioned terminals and found 12 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 29 pounds.

NEW YORK CENTRAL SYSTEM

We reported to the ICC differences in the train line at various terminals. On May 9, 1952, the ICC advised that between July 31, 1951, and March 6, 1952, its inspectors checked 19 trains at 6 different terminals and found 6 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 28 pounds.

PENNSYLVANIA RAILROAD

We reported to the ICC differences in the train line in the vicinity of Altoona, Enola, and Harrisburg, Pa. On May 12, 1952, the ICC advised that between July 23, and August 6, 1951, its inspectors checked 28 trains and found 6 cases where the difference in the train line between the head and rear end exceeded 10 pounds, the maximum differential being 20 pounds. The Commission further advised that during these investigations several cases were observed in which train brake tests were improperly made.

In summary, the Interstate Commerce Commission checked 422 trains at terminals on the railroads shown above, and found 69 of them to have a variation in the train line pressure at opposite ends of the trains of more than 10 pounds or a percentage of 16 percent.

Having every reason to believe that the situation it found 5 or 6 years ago still existed, the Brotherhood of Railroad Trainmen about a month ago again sought information from its membership concerning air pressures and testing practices of various railroads.

Sufficient time has not elapsed to get comprehensive and complete returns. We find from the returns received, however, that the situation is as it has been all along. For example, on the New York Central Railroad, on January 30, 1957, a crew was ordered to leave a terminal with 98 cars with only 46 pounds of air on the rear end. They were ordered to do that.

After picking up over 50 more cars at another location along the road, they were ordered to leave with 35 pounds of air and no air test was made by the car inspector on duty.

Senator PURTELL. There was none at the time that this condition existed?

Mr. HEISS. That is right, the men were ordered to take the train out by their superiors.

Senator PURTELL. In spite of this condition?

Mr. HEISS. That is right. They found the condition and the men were ordered out by their superior officers.

Senator PURTELL. Were these passenger trains?

Mr. HEISS. No, freight trains.

As soon as you get above 27 cars you can be sure you are dealing with freight trains. Incidentally, I would like this record to show that the railroads of this country are operating passenger trains with as high as 27 cars in them hauled with possibly 4 diesel units, in grade territory.

We learned that on the Chicago & Western Illinois Railroad the company is making conductors run the trains with only 35 to 40 pounds of air in the train line and that the practice is causing many bad stops of the trains. It is reported to us by our people on the Rock Island Railroad that employees' lives are being jeopardized and unnecessary damage to commodities and equipment is being sustained due to the lack of compliance with airbrake test rules at terminals and on road trips. This is despite the fact that the Rock Island Railroad has a book of rules and instructions governing train airbrake operation.

The rule governing air gages insofar as the caboose air gage is concerned is, our people tell us, a forgotten one. The initial train airbrake test has likewise been ignored. That means walk up and down the length of the train and inspect it. The entire train is very rarely walked and inspected after the engine is placed on the train and the only time that the train is walked after the brakes are set is when the train is 50 cars long or less. The only information the engineer

and conductor ever receive from the company inspector is that all the brakes are working, which the experience of the employees shows is in most instances erroneous.

Let me say that what I have been reading here as coming from the Rock Island Railroad, Chicago & Eastern Illinois Railroad, and New York Central Railroad is my paraphrasing of the communications received from workers on the property. We have the letters here which would demonstrate that I have not distorted, but accurately reported what they reported to me.

Senator SCHOEPPEL. I would like to ask this question, Mr. Chairman.

Suppose a check is made when that train is about ready to leave and it is determined you have a bad-order car with reference to brake equipment and other things. To whom would that inspector report that condition immediately?

Mr. HEISS. I think he would report it first to the conductor of the train, who would then have the opportunity to order it to be set out.

Senator SCHOEPPEL. Then what is in the log with reference to that report—if it is complied with or not? Would the conductor then report that and turn that in at the end of the run?

Mr. HEISS. No, he would report at once, I believe, to the yardmaster who is in charge of that train, that he is being delayed in his departure because of the work that he is doing setting out that car.

Senator SCHOEPPEL. I understand.

Mr. HEISS. The yardmaster, of course, then has the task of determining whether to order that train out or not.

Senator SCHOEPPEL. And he is the man that has the last say as to ordering it out?

Mr. HEISS. You mean the yardmaster?

Senator SCHOEPPEL. Yes.

Mr. HEISS. No, probably the superintendent; probably the superintendent.

Senator SCHOEPPEL. All right.

Mr. HEISS. Because, if there is another delay, then the yardmaster, of course, is responsible.

Senator SMATHERS. What is that chain of command again? It goes from the inspector to the conductor?

Mr. HEISS. Yes.

Senator SMATHERS. Suppose the conductor decides on his own, "Well, I don't think it is necessary to take the car out, let's go ahead." Can the conductor do that?

Mr. HEISS. Yes, I think so.

Senator PURTELL. But if the conductor decides he doesn't wish to take that train out because of that defective car, can he also decide not to do it?

Mr. HEISS. Yes, indeed.

Senator SMATHERS. He reports to whom?

Mr. HEISS. He would report to the yardmaster.

Senator SMATHERS. And the yardmaster would report to the supervisor?

Mr. HEISS. To the superintendent.

Senator SMATHERS. But if anyone of the people down the line decided, like the conductor or the yardmaster, that it was all right to let it go, then it can go?

Mr. HEISS. They order it to go, yes.

Senator PURTELL. The important thing is if anyone decided along the line that it can't go, in theory it is not supposed to go.

Mr. HEISS. That is right.

Senator PURTELL. So the conductor, if he really exercises the authority he has vested in him, can refuse to run that train with that car unless it is taken out of the drag?

Mr. HEISS. That is right.

Senator PURTELL. So if he doesn't exercise that authority he, in fact, is a little remiss, is he, in his duty?

Mr. HEISS. He is remiss in duty to that extent.

Senator PURTELL. To that extent.

Mr. HEISS. Yes.

Senator PURTELL. So regardless of the yardmaster or the superintendent, the conductor in fact can refuse to take that car in that drag, is that right?

Mr. HEISS. That is right.

Senator PURTELL. Thank you.

Mr. HEISS. I am going to quote to you an order which is a typical one in just a few minutes, ordering that that train be taken out.

At this point I was reading, "The experience of the employees shows in most instances were erroneous." That is the report of the company inspector. I would like to insert just a little bit there. This is in no sense a reflection on the company inspectors. For one thing the number in service has been so radically reduced that there aren't enough to go around. Forces have been cut so much that at some places, such as intermediate terminals where company inspectors were formerly employed, no inspectors are employed at all.

For another thing, the company inspectors are doing what they are told to do by their superiors, that is, to O. K. the train and get it on its way without delays incident to complete inspections or insistence upon proper air pressure. An inspector who delays departure, contrary to order, whether that order is explicit or simply implicit in an official's conduct, endangers his job.

It is also reported to us from the Rock Island Railroad that there were several instances in the past month or so at Eldon, Iowa, where after the train was made up, and after considerable unsuccessful effort was expended to get the air pressure to an adequate level, the dispatcher put out a message over the signature of the superintendent saying that it was all right to leave with the amount of pressure they had. One such message read:

Trenton, February 20, C. & E. extra 48 west, Eldon Yard, O. K. to leave Eldon yard with 50 pounds air on rear end, R. W. Anderson, superintendent.

Senator PURTELL. Will you stop right there. The superintendent said it is ready to leave?

Mr. HEISS. Yes.

Senator PURTELL. But the conductor in fact didn't have to obey that, did he, if he felt it was not a safe train to take out on the line?

Mr. HEISS. That conductor would be laying his job right on the line. Yes, I think he has to take it out, I think he has to take it out, yes.

Senator PURTELL. You say he has to take it out?

Mr. HEISS. Yes, he has got to take it out. In railroading you obey the order of your superior.

Senator PURTELL. In everything it is usually better to do so.

Mr. HEISS. It is not a question of better; you do it.

Senator PURTELL. I am talking about this: Isn't it a fact in theory that that train is in the care of the conductor and if he refuses to take it out, he has the right to do so?

Mr. HEISS. No, he has no discretion, he obeys orders.

Senator PURTELL. Even though he knows lives are endangered by so doing?

Mr. HEISS. That is right.

Senator PURTELL. So if the superintendent orders him to take a train out, he takes it out?

Mr. HEISS. That is right. From the Southern Pacific Railroad we have a report that a train of 118 cars on February 28, 1957, left a terminal with only 20 pounds of air pressure on the caboose and are informed that that case was not an isolated one, but an example of what goes on many times a day every day.

I personally have gone through the files of the organizations with the purpose of selecting instances of the things about which the members complain in order to vividly illustrate for you some of the hazards caused by lack of maintenance of proper air pressures. Neither my search nor the surveys that I have mentioned immediately heretofore purport to be comprehensive, but are nonetheless, we feel, typical of what is transpiring in a large part of the railroad industry today.

A situation that has existed on the Chicago Great Western Railway is one which I would like to take the time to review in part by quoting from correspondence from various members of the trainmen's organization. In March 1954 a local chairman, Mr. C. F. McCunniff, at Oelwein, Iowa, wrote to Mr. R. C. Wirth, the general chairman for the trainmen on that railroad, in part that:

> On our trains in winter weather we often leave terminal with 35 pounds of air and may go 70 miles before air pressure in caboose will reach 55 pounds and at times 45 pounds is all we have over the entire division.

We have in mind about 70 is just about the standard pressure.

In February 1954 a Mr. K. M. McDonald, another local chairman of the trainmen's organization, wrote to his president that:

> In winter with a train of 100 cars or more, it is difficult to get over 45 pounds of air pressure in the caboose, and it is a common practice for the car inspector to test the trains' brakes with as little as 30 pounds of air pressure on the caboose, while at the same time there will be 80 to 90 pounds of air pressure on the motors. * * *

The motors is the head end of the train, locomotive.

> We have had numerous injuries on this railroad on account of long trains and poor braking power.

The general chairman, Mr. R. C. Wirth, reported in May 1956 another incident involving low air pressure on the same railroad, wherein a conductor, F. C. Prideaux, who was in charge of a train called on May 8, 1956, to operate between Oelwein and Clarion, Iowa. The train line had only 50 pounds of air when the air was first tested. After the air was tested, the train line was reduced to 45 pounds, released to 48 pounds and then the train was ordered to leave Oelwein terminal. The train ran approximately 16 miles before the train line had 60 pounds of air.

I would like to next read from a letter from a brakeman-conductor on the Chicago Great Western Railroad in which is set forth the account of a trip and a wreck which occurred thereon due to low train line pressure:

On January 20, 1956, I was brakeman on train No. 92, departing Des Moines, Iowa, with 4 motors, 113 cars, 4,950 tons, with temperature ranging between 15 to 20 degrees below zero. Train 92 doing wayfreight work between Des Moines, Iowa, and Oelwein, Iowa, a distance of 133 miles.

Out of Des Moines caboose 32 pounds of air on air gauge. Highland, about 2 miles from yard Des Moines, we set out and pick up and it took 40 minutes to release the brakes, leaving Highland with about 32 pounds of air on the caboose. Made 4 stops between Highland and Marshalltown (approximately 60 miles). We arrived at Marshalltown with 124 cars. We spent 5 hours releasing the brakes between Des Moines and Marshalltown and we had less air after each stop. It took at least 40 minutes to release the brakes after we cut off each time.

I am coming now to a description of a break in two, which is the principal thing to keep in mind from this letter.

At Marshalltown we reduced to less than 100 cars but still we had only 40 pounds of air out of Marshalltown. About 3 miles north of Rheinbeck (which is approximately 30 miles north of Marshalltown) we broke in two. 40 cars behind the motors, and not having enough air in the rear end the rear end run into the head end, causing 9 cars to go over embankment. Cause—90 pounds air on the head end, 40 pounds air on the rear end. Naturally with 90 pounds of air on the head the head end stopped abruptly and with only 40 pounds of air on the rear end there would not be enough air to cause the rear end to stop quickly. Rear end hit the head end so hard that it forced 9 cars to go over the embankment, as stated above, before the rear end portion of train slowed down enough to have braking power to stop. Luckily no one was hurt. Conditions as stated herein happen very often all over the Chicago Great Western Railway and many times our men suffer serious injury.

The situation which these examples I have mentioned above illustrate, grew so serious that finally a conference was held between the organization representatives and the vice president and general manager and various subordinate officials of the railroad.

Out of that conference came a commitment on the part of the carrier that no train would be caused to leave the initial terminal with less than 50 pounds of air pressure registered on the caboose. Although it was gratifying to have the carrier's recognition of the hazardous operating conditions caused by low air pressure, we do not feel that its commitment, that is to guarantee 50 pounds air pressure on the caboose, still is a sufficient guarantee that the hazard will be eliminated. In other words 50 pounds of air pressure, as compared to the 70 pounds air pressure standard for the head end of the train, is a differential which could cause much trouble in the way of slack action.

I do not wish to give the impression that the experiences on the Chicago Great Western, detailed at some length here, are unique and occur only on that railroad. Low train-line pressures and improper tests of train brakes at terminals, and leaving the terminal with defective equipment, are things that we find all over the country.

I would like to read portions of two more letters written by the employees. No doubt I could tell you of the contents of these communications in my own language and thereby avoid reading quotations, but I would much prefer that you get the story from the "horse's mouth."

A trainman on the Des Moines Division of the Chicago, Rock Island & Pacific Railroad, under date of February 22, 1956, writes as follows:

I feel it my duty to inform you of some of the conditions on the Rock Island, Des Moines Division. Trains leaving Des Moines have practically no standard inspection or air tests at all. On 110- and 115-car trains, men are required to leave with an air test that consists of a carman getting on a caboose and waiting for air to show on gage and then calling yardmaster who relays over the loudspeaker to brakeman who gives set sign and in a minute or less they say, air is O. K. and to leave. There is never any talking of trains unless Government inspectors are there. * * * A full 50 percent of the time, there is something wrong with the train; leaks or broken train lines or something else that affects the safe braking and operation of the train.

Senator SCHOEPPEL. When you get these kind of reports, what is your procedure with reference to laying it before the proper officials of the railroad upon which these conditions occur?

Mr. HEISS. Our men are always in touch with the railroad officials as soon as these things develop.

Senator SCHOEPPEL. Do they deliver these reports as to the condition of these trains at that time or with the promptness and dispatch?

Mr. HEISS. They deliver them orally, yes. The local chairman makes that a matter of discussion with the local railroad officials promptly, as a rule. We don't know, of course, what happens at a thousand places always, throughout the country. But as a rule, these matters, particularly this matter of power brakes, has been a subject of discussion between officers of the Order of Railway Conductors and Brakemen, and Brotherhood of Railroad Trainmen, with railroad officials for as long as I can remember. They bring these instances specifically—not all of them, of course, because I can't tell you that, because I don't know. But this is a matter of constant discussion and negotiation between our people, our local men and the officers of the railroad companies.

Senator SCHOEPPEL. Thank you.

Senator PURTELL. The conductors, I would assume, render this as part of their report to their log; is that right?

Mr. HEISS. To their logs.

Senator PURTELL. To their log; their report on their runs. Do the conductors in these trains report these conditions, too?

Mr. HEISS. They do.

Senator PURTELL. In other words, you have, I would imagine, therefore, from your testimony, many hundreds or maybe thousands of reports from conductors who report these conditions?

Mr. HEISS. That is right.

Senator PURTELL. Then nothing apparently is done about it.

Mr. HEISS. That is right. That is why we are here.

Senator SMATHERS. Is there regulation which requires the conductors to make a report at the end of each run?

Mr. HEISS. That is right; yes. The conductors make the report as to the condition of the train, the engineer makes the report as to the condition of the locomotive after the end of each run by operating rule.

Senator PURTELL. Getting back to the discussion we have had previously about the responsibility of the conductor, am I correct in assuming that the conductor can refuse to take the train out unless that

order is superseded by an order from somebody superior to him, such as the GYM or the division superintendent?

Mr. HEISS. Superintendent, or by a superior; yes.

Senator PURTELL. So that he has to be overruled on that; is that correct? He has to be overruled?

Mr. HEISS. He has to be overruled; yes. He is immediately in charge; he is the sergeant, so to speak.

Senator PURTELL. What I am trying to say is that there could be established a chain of responsibility there. Has it been established where these men say "I will not take this train out because the pressure is low," and then he is ordered to take it out? Have you established a history of that on the railroads? You have cited a few cases here, but have you built up a file on that?

Mr. HEISS. I would say we have hundreds of written and oral reports on that subject; yes.

Senator PURTELL. Where the conductor in turn got a written or oral order to proceed in spite of his decision that if it were left to him he wouldn't take that train out?

Mr. HEISS. Yes. Some are in writing and some are oral reports to us.

Senator PURTELL. That would indicate that these are ignored?

Mr. HEISS. That is right.

Senator PURTELL. All right.

Senator SMATHERS. Do you have any written case that we could make a part of the record, just to bolster the record here?

Mr. HEISS. I don't understand you, sir.

Senator SMATHERS. You don't have one now.

Mr. HEISS. There is one quoted right in here.

Senator SMATHERS. Yes, all right. I think that is all right.

Mr. HEISS. I quoted the wire, sir.

Senator PURTELL. What we are trying to establish, I am sure my colleague from Florida had the same idea that I had, that if this is a prevalent practice where no attention is paid to the conductor, and, of course, he has to depend on what car inspectors tell him, he doesn't make the inspections himself. He observes on the train what the pressure is in the caboose. He is then ordered to go out. If we had a file on that, it would help us considerably. Isn't that your thinking?

Senator SMATHERS. When you get down on the floor to debate this kind of business, then it is always very helpful to be able to say that "thus and thus happened on such a day and here are some illustrations in writing." "We are not taking anybody's word for it, here it is."

Mr. HEISS. We can get that.

Senator SMATHERS. I think it would be well to make a couple of illustrations like that part of this record.

Mr. HEISS. Let me say this, Senator Smathers, that the observation has already been made that I have a long statement. We have many, many more illustrations that we can bring to you, and in response to your suggestion my colleague tells me that we can do it, and I know we can do it.

Senator SMATHERS. We will make these a part of the record, so that if the bill gets to the floor the examples will be available. These people who have not heard any of this testimony can understand illustrations pretty quickly.

Senator PURTELL. In theory a man is in charge of a train, the conductor, when he starts to exercise that authority we want to find out if he is overridden and how often. In other words, is he, in effect, in charge?

Mr. HEISS. I think we do understand your needs and we will see that they are met.

I was going to read the letter written by a conductor on the Louisville & Nashville Railroad, about a year ago.

Recently, I was conductor on a freight train and I was required to handle a car next to caboose with train line broken, and 5 cars ahead of this car was a dead engine. I also received instructions to pick up another car with train line broken and a car with drawhead out, giving me a total of 4 cars on rear of train, including caboose with no air and a dead engine 5 cars ahead of caboose. I called this condition to the chief train dispatcher but he told me to handle the cars as instructed so long as I had 85 percent of airbrakes working in train. This is just one case that we have on our division, but we are confronted with similar cases almost daily.

There is another illustration of the kind that Senator Smathers referred to.

Senator SCHOEPPEL. At that point, Mr. Chairman, I would like to ask this question: You point out here that in this report he said he was instructed to handle the cars so long as he had 85 percent of the airbrakes working on the train?

Mr. HEISS. Yes.

Senator SCHOEPPEL. Now, is 85 percent of the airbrakes working on the train some reasonable degree of a working condition under which, under reasonably normal conditions, you would take a train out?

Mr. HEISS. No, no; not from the information that I have. These trains are constructed in such a fashion, these brakes are constructed in such a fashion, that you should have 100 percent braking power working at 100 percent efficiency. There is nothing below that which can be regarded as being reasonable in my opinion, based upon information given to me.

Senator PURTELL. I don't want to dispute, because I don't know enough about it. But it would be obvious to me, since your figures show that when a train left with 5 percent, that is, at the point of origin had 5 percent defect and then at the terminal, assuming the conditions were about the same, had 9 percent, it would appear that many things can happen in a run, and, if that is so, certainly there must be some safety factor. I am not saying that 85 is right. I believe that—well, we are going to study the case. But there must be some safety factor there. You are not telling me that if they are not all operating at 100 percent, that the train, in fact, is not sufficiently braked.

Isn't there some factor of safety there? There must be.

Mr. HEISS. I don't think there is.

Senator PURTELL. Then they make no provisions for things that can happen while the train is in transit, when it is in operation; is that right?

Mr. HEISS. As soon as something goes wrong you set up the conditions to cause an accident.

Senator PURTELL. Let's wait.

Mr. HEISS. Just because an accident doesn't happen in a particular instance is no indication that it won't happen in another instance, and snuff out lives.

Senator PURTELL. I know that. But in the case of the piston, you have piston wear and it is going to continue to wear, isn't it?

Mr. HEISS. Yes.

Senator PURTELL. Ultimately it is going to reach a point—there must be some safety factor some place in there. I would like to know what it is.

Mr. HEISS. In respect to piston travel they have established certain tolerances.

Senator PURTELL. Sure.

Mr. HEISS. But beyond that, you are unsafe.

Senator PURTELL. That is right. But that unsafe condition may arise in 1 car, 2 cars, or 3 cars, and it may arise while the train is, in fact, traveling. There may be some safety factor some place along the line.

Mr. HEISS. As soon as something goes wrong with one car, Senator Purtell, and the brakes on one car, you set up the basis for an accident.

Senator SMATHERS. May I follow that thought just a little bit further? Again the Senator from Connecticut and I are thinking along the same line on this.

You know, when you drive an airplane, take an airplane off, down the runway, there are certain weight standards for the plane. Certain speed standards and certain length of runway. If anything goes wrong at a certain period going down the runway they have instructions that is the time to cut the engines and apply the brakes. Beyond a certain point, depending upon the weight, depending upon the length of the runway, the power, they go on. In other words, the pilot has to make that decision.

Is there anything of a similar nature to allow a conductor or an engineer to say "Yes, there is some possible defect here, but it is not of sufficient magnitude, by the standards of experience, to render it sufficiently dangerous for us suddenly to stop this train and say everybody get out, or we are not going to take it"? Are there any such standards?

Mr. HEISS. There are no such standards. I submit this in proof that there are no such standards, certainly that there aren't any. This AAR book which is before us and is exhibit No. 2 has nothing in it of that kind. I would suggest to you that in the railroads' own property, if they felt that there was some tolerance to be permitted, it would have been established then by their own rules.

Senator SMATHERS. Here is the problem we are confronted with, because we are trying to solve these problems, as I said yesterday, and keep saying, not to magnify them. It is clear from the railroads' standpoint, if there is a car loaded up ready to go and there may be a little defect in the brake, rather than to stop the whole operation and take the car out and repack it and delay that train, and delay 15 trains on down the line, it becomes a discretionary matter. Who is to say who is right or wrong? If we took your rule and any time anything is wrong you stopped the whole operation, in my judgment, that is a little bit of a harsh rule. On the other hand, there must be a point where you must say there is a sufficient danger involved here so that

this thing ought to stop. That is when the conductors come in and say, "Yes, we recommend that it ought to stop." We are trying to see if there can't be something set up.

Mr. HEISS. Senator, this bill, of course, would empower the Interstate Commerce Commission, after hearing, to adopt rules.

Senator PURTELL. That is right.

Mr. HEISS. The Senate of the United States will not establish the rules. So it is possible, I would say, that in the establishment of rules by the Interstate Commerce Commission, that perhaps—I say perhaps advisedly—and maybe with some reluctance and skepticism—perhaps in the making of those rules by the Commission, some such allowances would be made. But they are not in the rules that the railroads adopted now. May I just repeat that we do not have before us now the making of the rules, but only the question of whether the adoption of the rules and the enforcement of them shall be transferred from the railroad companies who have failed in their obligation to the ICC which will have power to enforce the obligation.

Senator PURTELL. I don't agree with you that that is the only thing before us. This committee marks up a bill and this bill is subject to all sorts of changes. We are trying to get the picture.

Mr. HEISS. Immediately before us.

Senator PURTELL. That is right.

Mr. HEISS. As proposed, may I say.

Senator PURTELL. Yes.

Mr. HEISS. With very much respect.

Senator SCHOEPPEL. Mr. Chairman, that is one of the reasons why I was asking a number of questions down the line—if there was any reasonable tolerance permitted, in reasonably good, safety-operating standards. Now, to say 100 percent—I recognize what your feelings are on that— if I drive my automobile, I look at that pressure gage and if I did a little flying, which I have, and I saw that pressure gage was down on oil, or the electrical apparatus going haywire here, that would be a danger signal to me. But I know on that operating dash of my automobile there is my air pressure, water temperature, and my battery operations, electrical system—I know there is a degree of tolerance there on which the manufacturers say I can still operate my car safely. I have my foot on those brakes, I test them and try them. I say, certainly, there is in the setting up of these rules—obviously I am sure if we pass this legislation or some legislation that will permit the ICC to establish rules and regulations and require some degree of enforcement, that there be some tolerance standards put in there. But I am going to be very honest with you, doggone it. We seek to obtain perfection, but obviously I don't believe it can be 100 percent. There has to be some degree of tolerance in there to meet these conditions and requirements. That was what I was wondering about in your history of your experience, whether you had anything to suggest into the record that might be of some assistance to us as committee members, when we give the Commission, if we do, this authority, within which some reasonable range of operation under rules and regulations can be established?

Senator PURTELL. I think the Senator's illustration is an apt one. In other words, if you are driving an automobile and your gage shows that your oil is low, you don't have to stop on the road then, because if

you have enough oil in the crankcase you can get to a garage; you can run to a garage. Now, that is exactly what we are trying to get at. There is a safety factor there. You have it in your steam engine. You have a rated capacity; you know that the safety factor is very substantial there. You can carry a head of steam. But actually that will withstand a lot more pressure than what the rated capacity is. That is what we are trying to get at.

Mr. HEISS. That is something to be contained in the rules, I would say. It strikes me as being inappropriate in legislation.

Senator PURTELL. Not inappropriate in considering the legislation.

Senator SMATHERS. We would like to make history. If we should, for example, adopt this legislation, the members of the ICC are here and we would like for them to know that it would be the view of this committee, and possibly later of the Senate, that the Commission should not put such a strained interpretation on it—as we have illustrated here—that when one little thing goes wrong, everybody gets off and you go to some ridiculous 100 percent level. I don't think you could do it.

Senator PURTELL. We in fact are writing legislative history here today with you and all other witnesses and all of this is referred to many times for interpretations of the legislation. That is why many of these questions are asked.

Mr. HEISS. Senator, isn't it to be assumed that if such legislation—if the proposed bill 1386 should be adopted, that the confidence reposed in the Interstate Commerce Commission would be reasonably effectuated by that?

Senator PURTELL. I would say, as far as this Senator is concerned, and I think I could speak for the rest of my colleagues, that we have complete confidence in the Commission. But we also have a question of getting a bill, if the committee reports it out, of getting a bill passed by the Senate. We are going to be asked a lot of questions about it, no doubt, and when we report it out we are supposed to be able to tell why we reported it out. And these questions will help us to explain to our colleagues in many instances—questions which arise in our minds and are bound to arise in theirs. I am through questioning. But I tell you that your testimony has been very, very interesting and very helpful to me.

Mr. HEISS. Thank you, sir. Is it in order for me to read the last 2½ pages?

Senator SMATHERS. It is in order.

Mr. HEISS. I will not attempt to summarize the foregoing testimony. Based upon the attention we have given to the problem of power brakes for many years, our conclusion is that the conditions of which we complain can only be cured by legislation. The railroad industry has failed despite the existence of rules recommended by the Association of American Railroads to bring about any substantial adoption and enforcement of adequate rules on the subject of power brakes. The railroad industry has failed because individual railroads have failed. It is impossible for some railroads to do the job for the whole because of the interchange of cars throughout the country. A car that is on one railroad one day may be on another railroad the next day. It is hence vital that the necessary improvements of safety standards be placed in effect and enforced on all railroads.

The failure on the part of many carriers to comply with even the

minimum requirements represented by the rules of the Association of American Railroads places an intolerable burden upon the few roads which make an effort toward reasonable compliance. If all the railroads complied with an adequate set of rules, the burden upon some would be eliminated, because the design of modern power brake systems is such that once equipment is placed in good condition only a relatively small amount of maintenance is then necessary to keep the equipment in proper operating condition.

Further, in conclusion, let me say that S. 1386 is not an effort of the Interstate Commerce Commission to enhance its power and authority. Its advocacy of the bill is prompted by recognition of the need for reasonable regulation in the public interest. The records and observations of the Commission over the years point out the existence of this need. The Commission is exhibiting praiseworthy and justifiable concern that a job which should be performed by railroad managements is not being done.

We should like to believe that the Commission's proposed bill is in part responsive to the longstanding and continuing complaints of the railroad workshop, those who have suffered most in the past because of the existence of unsafe conditions and who are likely to suffer most in the future unless those conditions are corrected.

This is a bill wholeheartedly sponsored and supported by the railroad workers of the United States—nearly a million of them. Among railroad workers, and especially among those in crafts directly employed in the movement of trains, the slogan Safety First has long ago ceased to be a slogan, and has become a way of life. It is so deeply imbued in them that the employees know that maximum safety is a matter of active and conscious participation by each individual.

For that reason, as well as the conviction that it is a matter of good public policy, they watched for many years in hope that the code of rules adopted by the railroads would obtain a high degree of success. By their experience and by their observation of incidents and accidents, the employees are satisfied that adherence to the rules by the railroads has fallen far short of attaining reasonable expectations. They believe that the 32 years since 1925 when the code was adopted have been a sufficient testing of efforts at voluntaryism.

The long-term economies which would have accrued to the railroads by strict compliance with the rules have often been obscured by the attraction of short-term savings. Meanwhile, the individual workers have had to contend with avoidable hazards. We are convinced that temptations of operating convenience exist which are so strong that the workers no longer can depend upon the voluntary compliance of many managements. Compulsion must be added to the persuasions of economy, efficiency and increased safety.

The need for the establishment and policing of rules by a competent agency is a pressing and vital one, and we strongly and respectfully urge this committee to take favorable action on the bill before it.

Senator PURTELL. I would like to ask: You made 1 interesting observation, many interesting observations, 1 which I think we ought to talk a little about, not too long, but a little.

There are roads that are trying to do a good job in this, apparently, or there are different degrees to which they are doing this job. Testimony indicated some are doing a better job than others. Now, it is

a little unfair to the railroads that are trying to do a good job to have these other railroads who are not, when you have their cars on your line, your foreign cars on your line, isn't that right?

Mr. HEISS. That is right.

Senator PURTELL. It imposes a terrific job on these railroads that are doing a good job with their own equipment to have these foreign cars on their line.

Mr. HEISS. We call that a burden; yes.

Senator PURTELL. I would think it might be a burden. I would think maybe we hadn't given too much thought to that before, but it is a fact that they have nothing to do with the car until it gets on its own, then if it is in bad shape they are confronted with the delay and expense of taking care of it.

Mr. HEISS. That is right; yes.

Senator SMATHERS. Would it be your theory that legislation of this nature would not place any penalty on those which are already operating competent lines? Would that be your theory?

Mr. HEISS. Yes. I don't think that the railroads who are doing a good job are going to be very loud in their protest against this. Of course, you won't hear from them, because they are all going to talk through one representative of the AAR, and it would appear to be unanimous when they come before you, but it won't be.

Senator SMATHERS. Thank you, Mr. Heiss. You have made a fine witness.

Senator PURTELL. Thank you.

Senator SMATHERS. The next witness we have is Mr. Harry Cooke, Private Carrier Conference. Mr. Cooke, are you here?

Mr. COOKE. Yes, sir.

Senator SMATHERS. You go right ahead, Mr. Cooke.

STATEMENT OF HARRY COOKE, PRIVATE CARRIER CONFERENCE, INC.

Mr. COOKE. In accordance with the suggestion of your committee, the Private Carrier Conference is happy to present its formal statement in opposition to this bill for inclusion in the record and I will endeavor to summarize some of the main points in order to conserve the committee's valuable time.

Senator SMATHERS. This bill is 1490.

Mr. COOKE. I am sorry, I should have mentioned that. It is Senate bill 1490.

Senator SMATHERS. All right.

Mr. COOKE. My name is Harry Cooke, of Penn Fruit Co., Philadelphia, Pa., and I am chairman of the Private Carrier Conference of American Trucking Association, and speak on behalf of 1,800 manufacturers, farmers and distributors members of our organization; also on behalf of the thousands of Private Carrier Conference members of the ATA State trucking associations.

I might also add that since 1930 I personally have been a private carrier of freight.

The conference would be the very first group to support this bill if it were convinced that it would in any way enhance safety on our highways. We believe, however, that it is a typical bureaucratic approach

to the problem, would result in a plethora of paperwork and would create many vexing problems for the businessmen and farmers who would be forced to register under this proposed legislation.

Senator SMATHERS. What paperwork would be required to be done, other than fill out this card?

Mr. COOKE. Probably that would seem about all that you would have to do. Now let us try to cover the whole gamut of this problem.

Senator SMATHERS. You were just referring in your statement to all this paperwork. I wanted to know just what that paperwork is.

Mr. COOKE. I am trying to get to that. Inasmuch as there are many small private carriers, a lot of this information doesn't get out to them.

There would be a lot of noncompliance to it and the system would have to be changed. I am sure for a number of years many of these people would not just assume that they could go to a post office or to some public place and get this instrument and exercise it and then have it registered.

It is a problem, it is almost as great a problem if you consider the private carrier and everybody that is involved in it, as if you were to consider the private motor carrier operator, because many of these trucks are just small trucks.

Senator SMATHERS. It is still just a small postcard, isn't it?

Mr. COOKE. Yes, if that plan would work, apparently right now, it is. And I will further elaborate on my report?

Senator SMATHERS. Do you have anything in your report which shows any more paperwork? Let's try to end that particular point right there. What is the paper work involved?

Mr. COOKE. So far, by any suggestions that I have heard, that is all. We are to make out a card and present it to the Commission. That, in itself, does not seem to be a lot of work.

Senator SMATHERS. All right, sir. Go ahead.

Senator PURTELL. Incidentally, you know it was testified to here yesterday, or the day before, that the penalty for noncompliance is only if this is a willful noncompliance?

Mr. COOKE. Well, we have had over the years the growth of—this thing could grow into large proportions. There is no such just small compliances.

Senator PURTELL. We are discussing a particular bill. You are anticipating apparently some legislation that is not in this bill. Is that what you are really getting at?

Mr. COOKE. Yes, sir.

Senator PURTELL. But then you are not testifying on this bill alone, is that right?

Mr. COOKE. No, I am just testifying on this bill, sir.

Senator PURTELL. All right.

Senator SMATHERS. May I just interject this thought in line with the Senator's question and my question: We want the witnesses, you and others who are to follow, to be more specific about the legislation before us. You fellows don't have to run for any office, so there is no reason why we should have to sit here and listen to long philosophical speeches. Let's get right down to the matter with which we are confronted. It is a bad thing, why is it? Let's not get into general philosophy. It doesn't get any votes for you. We have heard all of that. It is for us to make those kind of speeches. So direct your

remarks specifically to the matters which are before us. Will they work, won't they work, why won't they work? Then you are very helpful to us.

Mr. COOKE. Mr. Senator, I have taken this whole story and put it on 2½ pages.

Senator SMATHERS. That is fine. I might be ringing a bell, but I am willing to admit it is probably the wrong address; you are not the person to whom I am referring.

(Laughter.)

Senator SMATHERS. I am just saying this for the record, let's be specific in the things which we have to say.

Mr. COOKE. I have tried to be, Mr. Chairman, and I would like to read the rest of this for this reason.

Senator SMATHERS. Go ahead.

Senator PURTELL. I imagine there are times—this is off the record.

(Statement off the record.)

Senator SMATHERS. You may proceed.

Mr. COOKE. At the present time the conference cooperates fully with the Commission in obtaining compliance with the safety regulations. We provide all sorts of forms and keep our members fully up to date on all changes and revisions.

We have also supported realistic and practical legislation in the safety field. Along with American Trucking Associations, we gave our full support to the Federal Highway Act of 1956 which we believe will provide revolutionary results in safety on our highways. We have also supported legislation which provided additional funds for the ICC in its safety work. As a result there has been a substantial increase in ICC safety personnel and special emphasis is now being placed on private and exempt carriers. The appearance of 1 safety enforcement officer in a carrier's office is worth 1,000 letters of instruction from Washington.

It is our conviction that the accumulation of over 100,000 names and addresses in the Interstate Commerce Commission's addressograph section would be an administrative monstrosity. We have observed, with considerable satisfaction, the efforts of the Congress to relieve rather than increase the amount of paperwork required by the Government, including a requirement that the Bureau of the Budget approve all questionnaires. We believe that S. 1490 is diametrically in conflict with the avowed intentions of Congress in this respect.

We also respectfully suggest that private truck operators must today comply with innumerable reporting obligations to the States, including ton-mile and axle tax reports, fuel utilization reports, mileage reports, and so forth.

We further believe that this bill would be unenforceable since there are so many private carriers engaged in interstate commerce. Under this bill, a baker in Washington, D. C., would have to register with the Commission before delivering a loaf of bread to a customer in Hyattsville, Md. A butcher in Texarkana, Tex., delivering pork chops to a housewife in this two-State city would similarly have to have his name on file in Washington.

A merchant or manufacturer heretofore conducting business on a strictly intrastate basis would have to register in Washington if he received a rush order from a new out-of-State customer.

ICC safety inspectors would be unable to ascertain whether a particular carrier was registered, since a driver stopped on the road undoubtedly would not know whether his home office had handled this matter.

Private truckowners, the most harassed, assailed, and attacked segment in American transportation today are asking themselves if this is the first step toward complete regulation of their operations. They feel that this seemingly innocent requirement will be expanded year after year to require more and more information and operating statistics. We are convinced that the Commission will soon require physical evidence of registration, by means of a Federal license plate, sticker, or other type of permit.

It must be remembered that every truckowner on our highways today carries some type of identification tag issued by the States, and that it would be a relatively simple matter for the Commission to learn the owner's name. Certainly it would be much more simple than to amass mountains of paperwork which would result from passage of S. 1490.

We believe that the Commission, in keeping with good government concepts, should look to industry groups for leadership in educating and counseling private carriers of their requirements. In this connection, we suggest increased cooperation with the many trade associations, among whose members are thousands of private carriers. The numerous farm organizations could be most helpful in obtaining compliance on the part of exempt carriers.

We believe, too, that the cooperation of State licensing officials should be enlisted in this educational work. A notice can be included with each truck tag issued by the States notifying users of their obligations and responsibilities for compliance with the ICC's safety regulations when operating in interstate commerce.

We thank the committee for its kindness in permitting the conference to express its viewpoint. We urge you to reject S. 1490 in its entirety.

Senator PURTELL. I just want to say that I can understand your fear, or those associated with you, about perhaps the beginning of an intrusion, an additional intrusion in your business. That is an understandable fear. I don't think it is warranted by the proposal, and your suggestion—No one, I think—I want to tell you this, that again we are just looking for facts, we are not trying to find out how we can trip somebody up any place.

We had some testimony here which indicated that an appeal on the part of the States was made to the ICC to help in formulating, at least I believe it was, safety regulations. So it would appear that this job isn't being done at the State level and we know, as a matter of fact, that it isn't being done in many States.

My own opinion is that your fear is unfounded. But I can't relieve you of that fear. I think that the intention simply is that these rules be placed in the hands of this type of carrier. As I read the bill, that is all it calls for. And as far as the paperwork goes, paperwork would be even greater, I think, Mr. Cooke, by your suggestion. I think your suggestion was that this information could all be gotten by stopping drivers along the road and getting the information from their licenses or whatever they might have in the way of identification.

That certainly would require a greater force than would be

required, it seems to me, to simply have these people send in this postal card informing the Commission that they are operating and that they do want and will receive this set of rules. That is about all it calls for.

Mr. COOKE. Yes; that is fine. Now we have a registration. But is that going to stop that particular fringe of unsafe operators that are still operating on the highway? There are still laws that control those fellows. All they have to do is be found. We are not going to stop the thieves just by putting a law against this thing.

Senator PURTELL. This, Mr. Cooke, is simply so that these people who presently lack this information will have it available to them as to what the rules are in interstate commerce, in using their trucks for interstate commerce. That is all it requires, as I read the bill. Do you find anything different in it, Mr. Chairman?

STATEMENT OF PRIVATE CARRIER CONFERENCE, INC.

My name is Harry Cooke, I am chairman of the Private Carrier Conference, Inc., of American Trucking Associations, Inc., a national organization with offices at 1424 16th Street, NW., Washington 6, D. C. The Conference is an independent, autonomous association composed of almost 1,800 business concerns, all of which operate private motor trucks in the furtherance of their primary business, including mining, lumbering, farming, manufacturing, processing, distribution, etc. The Conferenee also speaks for the thousands of private carrier members of the affiliated ATA State Trucking Associations.

The Private Carrier Conference appears here today in opposition to Senate bill 1490. This bill, if enacted, would require all private carriers operating in interstate commerce to file with the Interstate Commerce Commission on or before September 1 of each year, a statement, in such manner as the Commission may prescribe, showing (1) the name of the carrier; (2) the location or principal address of the carrier, and (3) the number of vehicles owned or operated.

If our conference were convinced that this proposed bill would in any way enhance safety on our highways, we would be the very first group to fight for its enactment. This conference, along with all trucking organizations, is appalled by the shocking carnage which takes place daily on our streets and highways. Safety of operations by private carriers has been, and will continue to be, one of our primary objectives. At the present time, we cooperate fully with the Interstate Commerce Commission in obtaining compliance with the safety regulations. We provide various prescribed forms to our members such as drivers' logs, doctors' certificates, inspection forms, and the like. We keep them advised of proposed changes in the regulations, and immediately notify them of any actual revisions in the rules. We counsel with them in many other ways in obtaining full and complete compliance with the ICC's regulations.

In addition, we have always given our full and complete support to congressional bills which provide for realistic and practical measures in the safety field. The Private Carrier Conference, along with all other groups within American Trucking Associations, gave its full support to enactment of the Federal Highway bill in the last session of Congress, which to us, offers an opportunity for startling and revolutionary results in the field of safety. We have also, through ATA, made known to Congress on numerous occasions, our support of additional appropriations for the Commission's safety work.

As the committee knows, there has recently been a substantial increase in the ICC appropriation, and the Commission in the past year has been able to augment its field safety inspection staff. This enforcement actually is already producing excellent results, especially in the private and exempt carrier field. An intensive enforcement program of this type is the most effective method of obtaining compliance. The appearance of one enforcement agent of the ICC in a carrier's office is worth a thousand letters of instruction from Washington.

The proposal of the Interstate Commerce Commission to register over 100,000 motor truck operators in this country, however, represents to us a typical bureaucratic approach to a problem which can be solved only by sound, practical and realistic programs such as the Federal Highway Act and increased appropriations for the ICC enforcement section. We are simply at a loss to comprehend how the accumulation of a vast storehouse of names and addresses in the

already overworked addressograph section of the Interstate Commerce Commission would be of any assistance in promoting safety of operations. As a matter of fact, the Commission at the present time has a list of over 40,000 such names and addresses in its files, and from what we have been able to determine, this present list is already riddled with inaccuracies and constitutes a formidable task in just trying to keep it up to date. Yet, if S. 1490 becomes law, the ICC addressograph section possibly could become one of the most elaborate departments within this august institution; at least it would have to be if this tremendous list of names and addresses were to be kept current and accurate.

The American businessman has observed, with considerable satisfaction, the efforts of Congress to reduce the amount of paperwork being required by various Government agencies. All questionnaires issued by the Government, as a matter of fact, must now be approved by the Bureau of the Budget, as a result of congressional consideration of this highly important matter. This certainly has been an effective control, but we are now faced, in Senate bill 1490, with a paper boondoggle diametrically in conflict with the avowed intentions of Congress to relieve the already oppressed businessman and farmer of additional administrative burdens. The committee, of course, is aware of the fact that a private carrier of property by motor vehicle has innumerable reporting obligations to the States. He must now keep detailed records and fill out elaborate and conflicting forms to be in compliance with various ton-mile and axle-mile statutes, fuel utilization laws, and sticker requirements. To add to this burden, new and novel Federal registration requirements would be a giant step backward, not forward, in congressional handling of this most important subject.

It is our belief that a mail-order type of approach would contribute very little in the way of promoting compliance with the Commission's safety regulations, would be unworkable, and would at the same time create many vexing problems for the businessman and farmer who operates private trucks in conjunction with his commercial activity.

In the first place, the bill appears to be unenforceable. It provides that every truck owner in the United States operating in interstate commerce be registered with the ICC in Washington. There are literally hundreds of thousands of private truck owners. Every soda and every pretzel distributor; every grocer and every butcher; every department store and every laundry; every coal dealer and every fuel distributor; every cotton grower and every peanut farmer; the private carriage, as a matter of fact is inextricably woven into the entire fabric of the American industrial, agricultural and distribution pattern.

A great number of these small-business men do operate over State lines and, under this bill, would be required to file information with the Interstate Commerce Commission. A baker in Washington, D. C., no matter how small his truck, would have to register with the Commission before he delivered a loaf of bread to a customer in nearby Hyattsville. A butcher in Texarkana delivering pork chops to a housewife in this two-State city, would similarly have to have his name on file in Washington.

Then comes the question of intra versus interstate operation. One of the primary benefits of private truck operation is its service advantages. Perhaps a merchant or manufacturer heretofore operating trucks entirely on an intrastate basis gets a rush order from a new customer in an adjoining State. The customer needs his supplies the next day. Would the merchant or manufacturer have to wire Washington to the effect that one of his trucks was being dispatched in interstate commerce? And could he be cited for violation of the act if he did not register?

And how would the ICC Safety Inspector be able to ascertain whether or not a particular truck on the road was actually registered? If he stopped the truck and inquired, 99 times out of 100 the driver would not be able to tell him, since this would be a matter for the home office to handle.

Of course, the Commission could require that every truck owner subject to its safety regulations be required to display physical evidence of such registration, such as a license plate or an ICC number. This would be especially burdensome. It would mean that all of his trucks, whether operating interstate or not, would have to be assigned a license plate or ICC number. Most private truck fleets operate on an interchangeable basis as between inter and intrastate operations. If a manufacturer dispatched 3 of his 50 trucks in interstate commerce from time to time and dispatched 47 in intrastate operations, he would be faced with the problem of acquiring identification for all trucks, or setting up a strict schedule whereby only ICC identified trucks would be dispatched in interstate commerce.

Of course, the proposed bill, in its present form, appears most innocuous, and at first blush, would seem to warrant little opposition from those affected. But private truck operators, the most assailed, attacked, and harassed segment in American transportation today, are asking themselves: "Is this the first step toward complete regulation of our entire trucking operation?" "Is this the proverbial camel's nose in the tent?" "Will this seemingly innocent proposal be amended year by year to require more and more additional information, burdensome statistics, and perhaps Federal permits to operate.

It would seem to us that the registration requirement, without the issuance of a permit, license plate, and other physical means of identification would be completely unworkable, unusable, and impossible of enforcement. The Interstate Commerce Commission in its present bill does not call for such identification. To us, this indicates that this vast project is being undertaken in progressive stages in a campaign of attrition. We are quite convinced that after a trial period during which thousands of private truck operators would continue to remain completely unaware of this requirement, the Commission will again return to Congress with an urgent request for revision of the law to require either a private carrier permit, license plate, or other means of identification.

Certainly this has been true in the case of the private automobile. After you register your car, you receive a license plate. This license plate, incidentally, was originally issued free of charge, merely as a means of identification; now its cost has multiplied rapidly over the years until in most States it is primarily a revenue-producing device. More importantly, however, it has become a most potent regulatory device also. We are most apprehensive that a similar trend will take place if the Comimssion is given the authority to register private vehicles and issue identification plates or permits.

The Congress undoubtedly will agree that the issuance of Federal permits to private truck operators would constitute an unprecedented and revolutionary aggrandizement of the ICC's present statutory power. Yet such permits go hand in hand with this initial proposal that private carriers be registered. The bill before us today is a definite step in that direction and would place in grave jeopardy the constitutional right of a businessman and farmer to haul his own goods in his own trucks when and where he chooses.

The obvious and purported reason for registration of private vehicles is to obtain a better device or technique for identification of such vehicles. This is a naive and not entirely frank disclosure of the real purpose. It should be remembered that every truck, private, common, and contract, that is on our highways today carries an identification tag of one kind or another and the mechanics of determining the person or company to whom such vehicle is registered is simple indeed. Certainly it would be much simpler than to amass the mountains of paperwork which would result from the proposal of the Commission.

This whole proposal is misleading and mischievous in the extreme and should be rebuffed by the Congress.

As stated before, the Private Carrier Conference is fully aware of desirability of full and complete compliance by all private carriers with the ICC rules and regulations governing safety of operations. While it is true, of course, that we do question the necessity for some of the ICC's rules, such as the driver's log requirement, in the main we vigorously approve of and heartily support them as a means of improving safety on our highways.

We believe, however, that the bill before us today is not the answer, but would create only a plethora of paperwork and administrative procedure with an absolute minimum in constructive results. The Commission should, on the other hand, and in keeping with modern concepts of good government, look to industry groups for leadership and responsibility in educating and counseling all private carriers of their requirements in this connection. The cooperation of all trade associations, among whose members are thousands of private truck operators, should be enlisted. The numerous farm organizations could be of inestimable help in obtaining compliance on the part of exempt carriers.

We believe, too, that the tremendous possibilities and opportunities in ICC cooperation with the States has in the past been overlooked. Every truck operator, must secure a State license plate before operating his vehicle. Has the Interstate Commerce Commission ever sought the cooperation of State licensing officials in notifying all applicants for truck tags of their responsibilities under the ICC regulations We do not believe this has been done. Yet, it would offer a splendid opportunity for real progress along this line and should be fully explored before any such administrative monstrosity of the type before us today is seriously considered by Congress.

We thank the committee for its kindness in permitting the conference to express our viewpoint on this legislation, and are hopeful that you will reject Senate bill S. 1490 in its entirety in the interests of less regulation of American business activities.

Senator SMATHERS. It looks like that to me.

Mr. COOKE. Then, if that is the case, then we should have an improvement in the bill. We shouldn't just limit it to just having a registration card if we are going to get any good out of it.

Senator PURTELL. What would you suggest?

Mr. COOKE. I would suggest police action which we are already——

Senator PURTELL. How would you do that?

Mr. COOKE. We are looking for a particular type of an operator, certainly not the operators that are going to be represented in this room. Probably some in the associations that are going to be represented.

Let us take our own operation, that is the one I am best acquainted with. Our shop, our facilities have been inspected by the ICC. We are a fairly large operator.

We make the log and we have it on file, it can easily be looked at, but what are we going to do with these fringe people that are constantly running the highway with equipment that isn't in sound condition. Is the postcard going to stop them?

Senator PURTELL. Let me read the bill because I think that clears it up:

Section 226 (a). In order to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment, have adequate knowledge of such rules and regulations, and to promote compliance therewith, each such carrier shall, on or before September 1 of each year, file with the Commission a statement, in such manner as the Commission may prescribe, showing (1) the name of the carrier, (2) the location or principal address of the carrier, and (3) the number of vehicles owned or operated.

That is what the bill calls for.

Mr. COOKE. I feel at this time I wouldn't like to be any further cross-examined. I believe there are other gentlemen——

Senator PURTELL. We are not cross-examining you.

Mr. COOKE. That are probably better able to answer. It doesn't wind up to be just quite that simple.

Senator PURTELL. Rather, we are your servants up here. We are not up here to cross-question you.

Mr. COOKE. I fully realize that.

Senator PURTELL. I know how you feel, but don't feel that way. We are simply trying to get facts.

Thank you very much, Mr. Cooke.

Senator SMATHERS. Thank you, Mr. Cooke. We appreciate your testimony.

We have one out-of-town man here, Senator, if you can sit for just a few minutes, Mr. Grant Arnold, National Industrial Traffic League. He is anxious to get on his way.

STATEMENT OF GRANT ARNOLD, PRESIDENT, NATIONAL INDUSTRIAL TRAFFIC LEAGUE

Mr. ARNOLD. My name is Grant Arnold, general traffic manager of E. J. Levino & Co. at Philadelphia. I am also president of the

National Industrial Traffic League with headquarters at 711 14th Street, NW., Washington.

Incidentally and perhaps off the record, Mr. Chairman——

(Statement off the record.)

Mr. ARNOLD. So you will know a little something about the National Industrial Traffic League, it is a national organization of those directly and individually engaged in the shipment and receipt of commodities; its membership includes chambers of commerce, boards of trade, and similar commercial organizations whose direct membership likewise have a substantial and continuing interest in traffic and transportation matters.

The league's membership is drawn from all parts of the United States and represents practically every line of industrial and commercial activity. The members make use of all the different transportation agencies, rail, water, air, highway, pipeline, parcel post, express, and freight forwarder.

The league is a promoter of sound economical transportation and is interested in the development and maintenance of an adequate, efficient, and economical national transportation system under private ownership and operation; it is interested in the maintenance of capable and self-sufficient transportation agencies, and in the full and free flow of the commerce of the Nation.

S. 1490 is a bill to amend part II of the Interstate Commerce Act to require the filing of brief statements by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission.

This committee is considering it as a safety measure in conjunction with others also so described. The Interstate Commerce Commission has recommended its passage as a safety measure. The Commission by the terms of this bill desires to register every private truck operator in interstate commerce in the United States and Territories for the purpose, the bill states, of diffusing knowledge of its safety rules and regulations among all operators of motor vehicles both in the United States and in all its Territories.

Senator SMATHERS. I would like to just stop you right there if I may, Mr. Arnold.

You say the Commission by the terms of this bill desires to register every private truck operator. Is that your understanding of this bill?

Mr. ARNOLD. Yes, sir.

Senator SMATHERS. Every private operator?

Mr. ARNOLD. Yes, sir.

Senator SMATHERS. As I understand the bill, first I understand the Commission to say they cannot register every private carrier. They are only interested in those who are engaged in interstate traffic, in other words, that go from State to State. They are not interested and they have no authority to register a privately owned trucker who operates completely intrastate.

Mr. ARNOLD. Or in local cartage service. I stand corrected, Mr. Chairman.

Senator SMATHERS. That is right. Thank you very much.

Mr. ARNOLD. The Commission obviously believes that in order to broadcast this knowledge, it is necessary to register all truck operators as to their names, addresses, and the number of vehicles owned and

operated. This is, to take the mildest interpretation of the bill, only the compiling of a mailing list.

We wish that we in the National Industrial Traffic League could interpret this bill to mean only that much, but unfortunately, we see very much in it that may well be harmful to private business in the United States.

The National Industrial Traffic League is as interested in safety as is the Interstate Commerce Commission. It is as desirous of promoting safety on the public highways as is the Commission. The Commission, however, was not created to promote safety on the public highways nor has it authority under the national transportation policy to control other than for hire surface transportation.

Senator SMATHERS. I think once again we might, just for the purposes of the record, clear not only our thought, but your thought. I am going to ask counsel to read just what the Commission is supposed to do with respect to safety for private carriers.

Mr. BARTON. Thank you, sir.

Under section 204 (a) (3) of the Interstate Commerce Act, the ICC is authorized:

> To establish for private carriers of property by motor vehicle, if need therefor is found, reasonable requirements to promote safety of operation, and to that end prescribe qualifications and maximum hours of service of employees, and standards of equipment. In the event such requirements are established, the term "motor carrier" shall be construed to include private carriers of property by motor vehicle in the administration of sections 204 (c), 205, 220, 221, 222 (a), (b), (d), (f), and (g), and 224.

Senator SMATHERS. So while I think you would be technically correct in saying it was possibly not created originally to promote safety, the Congress nevertheless has subsequently put upon the Commission the responsibility of promoting safety on the highways.

Mr. ARNOLD. That is true. Usually we look to the Commission as the regulator, economic regulation.

Senator SMATHERS. Yes. They also have a very serious responsibility with respect to safety. As a matter of fact, that is what the group of bills that we have having hearings on now are concerned with.

These are responsibilities with respect to safety. We are not taking up any of the economic bills at this particular set of hearings.

Mr. ARNOLD. Right.

Of course, we know of the influences brought to bear to extend Commission regulation over private motor vehicle transportation.

This registration act raises several very important questions, among them are:

(1) Will the Interstate Commerce Commission be content with the information this bill authorizes it to obtain? As it is drafted, there is a possibility that the Commission, under the phrase "to promote compliance therewith," referring to its safety rules and regulations, might require far more than mere names, addresses and number of vehicles operated.

As to the number of vehicles each carrier owns or operates, if the Commission wishes only to send literature, what difference does the number of vehicles mean? Could the Commission have in mind actual registration of every truck in the country? This inquiry as to the number of vehicles makes suspect any Commission assertion as to lack of desire to control.

May I inject there, Mr. Chairman, that the for-hire conferences of ATA statement submitted yesterday suggested that perhaps it would be well to include the types of vehicles. We in the League, in elaborating on this paperwork you raised several questions about, we think it is much like a baseball team. We try to keep the batter off first base, because once he is there, he goes to second, third and home. [Laughter.]

Here, if the Commission gets the names, addresses and number of vehicles, here we are faced or somebody is faced with the for-hire conferences of ATA asking for types of vehicles. We question what the number or the types have to do with safety or the distribution of literature.

So if you put the Commission on first base with the names, the for-hire conferences of ATA are coming now for types, and where it leads, we are fearful.

Senator SMATHERS. If I may use your own illustration further, I must say this that the man ordinarily doesn't get from first to second without somebody getting a hit or a bunt. He doesn't usually get to third unless there is a good clean hit or an error.

Mr. ARNOLD. I don't mean to——

Senator SMATHERS. I want you to know that your organization has some great pitchers up here pitching for them. [Laughter.]

They really have some smoke balls that they are ready to throw for you.

So again it may be that your fears are well grounded; it may be that they are not. Of course, only the future can determine that.

Mr. ARNOLD. I am not implying anything. I am sure you realize it, but you can steal to second and something could slip through. [Laughter.]

Senator SMATHERS. You could steal second, but very few in this league steal home. [Laughter.]

Mr. ARNOLD. No. 2. Are the penalties in the statute too severe on the small-business man operating his own truck? It is conceivable when reading section 222 of the act, and more particularly subsection (g) that the Commission may find itself attempting to impose penalties or sentences on thousands of little truckowners.

(3) Will not this bill, once enacted, invite the professed necessity for more legislation? The Commission may logically state, upon being given authority to register every truckowner in the land, that Congress passed S. 1490 as a safety measure, and therefore the Accidents Reports Act, pertaining to railroads, should be amended to include truck accidents. Is it the intention of Congress to take these further steps to require a report to the Commission of every accident involving a truck?

It is, we fear, the next step toward making every motor vehicle owner answerable to Washington.

To conclude, it is our conviction that this bill raises the fundamental question as to whether the Commission is to be given authority to regulate all transportation, public and private. Because we believe this is another move toward regulation of a phase of transportation which, traditionally, the Congress has considered outside the scope of Federal control, we are unalterably opposed.

In stating this opposition, we repeat that the National Industrial Traffic League is not opposed to safety as such, nor to reasonable ef-

forts to obtain it through legislation. We do believe that this measure will promote not safety but control, not freedom of the thousands of small-business men who operate their own trucks, but regulation which ultimately will affect our entire economy.

Senator SMATHERS. Senator Purtell?

Senator PURTELL. I have no questions. Thank you for coming here.

Senator SMATHERS. I would like to ask you just one question. Possibly you are not the man I should ask.

But what is wrong with having every truck registered? We register every person in the United States in some form or another. They are trying to get and encourage people to go in and leave their fingerprints, so that if something ever happens to them, they will know who they are.

The FBI wants to know who everybody is. When a baby is born you are required to go down and in effect register him. What is wrong with registering trucks?

Mr. ARNOLD. Every truck is registered, sir, when they buy a license plate for the vehicle.

Senator SMATHERS. What would be wrong with registering with the ICC?

Mr. ARNOLD. If it is just to promote safety, that safety literature and information can be distributed without the need for registering. We are fearful what may come next.

Senator SMATHERS. Then you are not worried about the registration, itself?

Mr. ARNOLD. No, but we fail to realize why the number of vehicles are necessary. That is changing constantly. What is the need for that, if it is just for safety?

Senator SMATHERS. Let me ask you then, to repeat my question: If it is just merely for the purpose of registering it, you see no objection?

Mr. ARNOLD. Registering, names and addresses, I would say not, sir, but we think that the literature could be distributed as suggested when licenses are purchased.

Senator SMATHERS. Let me ask you this: You belong to, we will say, an agricultural group, let's say a farmers' organization. Do they like to register each farmer that is in their organization? They like to know when a fellow starts farming, get his name on the books just to know who he is? Don't you go around and try to keep a list of everybody?

Mr. ARNOLD. I would imagine so.

Senator SMATHERS. That is not law. I know that. This would be law and that isn't. I mean is there not some benefit aside from the evil which might result? Is there not some conceivable benefit in having the number of trucks operating in interstate commerce and who owns trucks listed with the ICC?

Mr. ARNOLD. I can see a number of reasons for it being desirable, sir, but certainly not from a safety regulation standpoint or safety feature.

Again, I don't mean to play with words. But, for instance, it would be helpful for just labor unions to notice who the operators are. I mean it would be helpful to see the number of trucks owned for parts manufacturers, certainly. But when it comes just for

safety, I can't see why the number of trucks and the types and all that would be necessary.

Senator PURTELL. Under the law right now, Mr. Chairman, of course, these trucks in interstate are subject to the regulations of the Commission. All the Commission appears to want to do at the present time anyway, and I judge that is all the bill embodies, is simply to see that these people who are subject to the regulations are given information as to what those safety regulations are. That is all this bill calls for. And as far as the desire on the part of the Commission to enlarge the scope of its activity in this field, remember that it can only do what it is empowered to do by legislature.

Senator SMATHERS. On that point about the number of trucks. Would you not agree that if a man had a hundred trucks the Commission probably should send him a few more of these safety regulations than they would to a man who only had two trucks?

Mr. ARNOLD. They usually have relatively few maintenance depots where the trucks are maintained and such as that. Everyone has a driver program, safety programs. I don't know if that literature would be used by all the drivers. It would be more in the maintenance shops.

Senator SMATHERS. From what I gather, they want the access in order to show the man who is on the highway who says, "Wait a minute, I didn't know about this regulation." Well, you can say, "Yes, you received a card, we know that you have got literature about it and there is a certain responsibility that you owe to Mr. Arnold's children who are riding up and down the highways, and Smathers' children, to read these regulations and comply with them."

The number of copies of regulations furnished might depend on number of trucks owned. If there has been supplied to the driver or the owner who actually is finally responsible a rule book we can presume he would hand it to the drivers. If he has 2 trucks, then he needs 2, but if he has a hundred, he should have a hundred books, I presume, because that is the way he gets the information out. You say why not send out a single copy to each one. To one who has a hundred trucks, it wouldn't do him any good. We are trying to get what is reasonable; this is our aim.

Mr. ARNOLD. I think you can assume anyone operating a hundred trucks has a pretty good safety program and those drivers are schooled in safety features, in highway manners, and so forth.

Senator PURTELL. This bill doesn't give the ICC any more control over these carriers than they presently have. All the bill says is that in order to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications, etc., it simply says these people who are now subject to the law we want to have the opportunity of seeing that they know what the law is regarding safety. It seems a reasonable request.

Mr. ARNOLD. In all fairness it does. What we are cautioning you gentlemen is what might follow, and that is primarily our interest in this legislation, what might follow?

Senator PURTELL. But you see, it can't follow unless your legislative bodies enact laws permitting it to follow?

Mr. ARNOLD. That is why we are making a record here to point out and I am glad to get your response that it wasn't meant to mean anything more than registering names and addresses.

Senator PURTELL. That is all this bill requires, the bill so states, very clearly.

Unless I cannot read English, it states that the Commission may prescribe these rules calling for the name of the carrier, the location or principal address of the carrier, and the number of vehicles owned or operated. It is spelled out in the bill, what the Commission shall ask for.

Mr. ARNOLD. We are hopeful then that you will think of our concern when you consider the suggestions from ATA, for instance, to include types of vehicles, and all other requests for amendments of the present bill as it now reads.

Senator PURTELL. I can assure you that all of the testimony given by any of the witnesses here will be considered when we mark up the bill.

Senator SMATHERS. Mr. Arnold, you have been very helpful to us and you have made a fine witness and we thank you.

Mr. ARNOLD. Thank you, sir.

Senator SMATHERS. Would you be willing now to recess until 2 o'clock?

Senator PURTELL. I would be willing to recess any time.

Senator SMATHERS. We will stand in recess until 2 o'clock, when we will hear Mr. Fred Burrows, of the Apple Association, as our first witness.

(Whereupon, at 12:45 p. m., the subcommittee recessed to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION

Senator SMATHERS. The meeting will come to order.

We have as our witness, Fred W. Burrows, of the International Apple Association.

Mr. BURROWS. Is the Senator opposed to eating an apple from Washington?

Senator SMATHERS. No. These are delicious.

Mr. BURROWS. Those are delicious from Mr. Clarke's home State.

Senator SMATHERS. Out in the far State of Washington.

Mr. CLARKE. We have no objection to the exhibit.

[Laughter.]

Senator SMATHERS. This is one thing we won't put in the record. We have a better place to put it.

STATEMENT OF FRED W. BURROWS, INTERNATIONAL APPLE ASSOCIATION, INC.

Mr. BURROWS. Mr. Chairman, my name is Fred W. Burrows. I am executive vice president of the International Apple Association, Inc., having offices at 1302 18th Street, NW., Washington, D. C. We represent every segment of the fruit industry from producer through retailer, with emphasis on apples and winter pears. And incidentally we have quite a few members from your own home State in the citrus industry.

We appreciate the opportunity of presenting the views of the International Apple Association, Inc., to the subcommittee relative to amendment of the Interstate Commerce Act as proposed in S. 1490.

First I wish to emphasize that we are heartily in accord with the purpose of this bill, namely, greater highway safety. However, we strongly oppose S. 1490 because, in our opinion, it will not accomplish the purpose for which it is said to be designed.

Actually, in effect, this bill will only increase the cost of government and, in our belief, will not provide the Nation with any greater safety.

We respectfully submit that S. 1490 is not primarily designed to be a safety bill. The Interstate Commerce Commission contends this legislation is necessary to alert and educate certain motor carriers about the Commission's rules and regulations relative to qualifications and hours of service of employees and safety of operation and equipment. We believe that the real purpose of this bill is to allow the Commission a foot in the door toward eventual complete regulation of certain motor carriers now exempt from regulation of rates and routes.

On that line, the committee doesn't view our apprehension, but that is understandable, and we realize that the committee and future committees will protect our rights. However, we further contend that this belief is substantiated by the fact that the Interstate Commerce Commission is on record many times indicating their inability to adequately service and police all carriers who are already registered because of lack of personnel and finances. Considering this, it would seem wise to use the funds and personnel that would be required to file, store, handle, correct, and change these newly requested registrations in greater enforcement of the present safety rgulations. We all know that there is real need for greater enforcement in both the common carrier and the exempt carrier field.

Furthermore, the stated purposes of this bill, in our opinion, can be more readily accomplished through the States and their regulatory bodies and with much less additional expense to the State or the Federal Government. Even more important, coverage would be 100 percent if accomplished through the States. And in our opinion, it would be very meager if accomplished through the ICC as presently proposed in the bill.

The rules and regulations, along with a simplified explanation, could be sent to all truck registrants at the time of license applications and renewals in each State. Also, if necessary, all of the information concerning names and addresses and even greater information could be supplied the Interstate Commerce Commission through the States in the same manner at a less or minimum cost.

Coverage, in our opinion, by the Interstate Commerce Commission would be meager at best. Why not use the facilities that will accomplish the purpose and at little extra cost? These rules and regulations have been public for many year. If the Commission seems to believe they haven't dented the surface in educating the truckers on these rules and regulations, and I believe they are correct, how do they expect to get compliance of registration by these same truckers?

The Commission has indicated that the registration cards would be available at all post offices. I believe I am correct in assuming that they will gather dust and never be seen or used by the majority of the truckers the Commission wants to contact. The use of State facilities, however, will guarantee contact with all truckers and at a minimum cost to the taxpayers.

In addition, a cooperative effort between the States and the Federal Government may well lead to eventual adoption of uniform safety regulations—and we have already been told that 24 States have reportedly already done so, but Interstate Commerce Commission is experiencing difficulties in the others—and further beneficial methods for more safety.

Senator SMATHERS. While you stop to get your breath, I am going to run downstairs and cast a vote. If you don't mind, I will be back in just a few minutes. I would like to hear what you have to say. Why don't we stand in recess for about 5 minutes.

Mr. BURROWS. Very well, sir.

(Short recess.)

Senator PURTELL. On page 2 you say,

> The rules and regulations, along with a simplified explanation, could be sent to all truck registrants at the time of license applications and renewals in each State.

Of course, the State isn't required, or the States aren't required, individually, to do anything that the Federal Government might ask them in the way of dissemination of information. It would be a voluntary action on their part, in the first place.

Then you say:

> Also, if necessary, all of the information concerning names and addresses and even greater information could be supplied the Interstate Commerce Commission through the States in the same manner at a less or minimum cost.

Of course, you realize that this doesn't cover all the registered trucks in the State. Would you have the States then pick out these that are going to be engaged in interstate commerce and would you have those States, respectively, make these selections and then send them on?

Mr. BURROWS. The selections.

Senator PURTELL. You are going to have one awful job, aren't you?

Mr. BURROWS. If you are going to—first of all, if the ICC wants to get coverage and compliance, which is what they want——

Senator PURTELL. In the area in which they can operate.

Mr. BURROWS. That is right, they wanted indication and compliance.

Senator PURTELL. For those people engaged in interstate commerce?

Mr. BURROWS. That is right.

Senator PURTELL. That is right, yes.

Mr. BURROWS. Now, I contend that if they can go to the States and voluntarily get the States to send out these regulations and maybe an explanation——

Senator PURTELL. Who would they send them to?

Mr. BURROWS. To all the truck registrants.

Senator PURTELL. Not all of the truck registrants?

Mr. BURROWS. I don't see how you could do it otherwise.

Senator PURTELL. But that is not within the scope of their activities. They are only limited to interstate commerce.

Mr. BURROWS. But 24 of the States already have adopted Federal regulations.

Senator PURTELL. There are 48 States.

Mr. BARTON. Isn't that many more carriers than the ICC has under its jurisdiction for safety purposes?

Mr. BURROWS. Well, that is their quotation, their figures. They have said that there is 41,500——

Mr. BARTON. Isn't it about 100,000 in all?

Senator PURTELL. Out of two-million-some-odd.

The chairman can give us that information.

Mr. CLARKE. Yes, approximately that. There are 1½ million vehicles in interstate commerce, including those now subject to all of our regulations. There are roughly about 100,000 carriers whom we are attempting to reach through this legislation.

Mr. BURROWS. One hundred thousand carriers, but they have better than a million trucks, don't they?

Mr. CLARKE. No, they wouldn't have that many.

Mr. BURROWS. I thought you said 866 plus some 200,000.

Mr. PURTELL. Your testimony indicates that you are asking the States to do that which could obviously be done much more cheaply in the area that this bill intends to cover—much more efficiently, it appears to me, by a Federal agency, because this affects only those engaged in interstate commerce.

Now, unless you wish the States—which I doubt the States would be willing to do—to separate those vehicles which will be in interstate commerce from those in the State that are not, then if you ask them to do that, you are imposing a terrific job on them—one which I doubt very much they would be willing to assume.

Mr. BURROWS. By the same token, let's take a farmer—an example, which has been demonstrated many times before these hearings. If a farmer takes a pickup truck and hauls across the State line, he is immediately required under this bill to register. Is that correct?

Senator PURTELL. I would judge if he is in interstate commerce he would be.

Mr. BURROWS. If he is hauling a commodity, either exempt commodity or nonexempt commodity in his pickup truck, he is required to register.

Senator PURTELL. That is right.

Mr. BURROWS. Therefore, in his own mind, I mean that is not going—this requirement is not going to get down to him. I don't think the ICC even actually intends to cover that, but by law he is supposed to register.

Senator PURTELL. He would be asked to send in a postal card to answer these questions.

Mr. BURROWS. That is right. Now, would he ever really know about this?

Senator PURTELL. What do you mean?

Mr. BURROWS. I mean he makes an occasional trip, what if he doesn't register?

Senator PURTELL. I think we overlook the fact that those people are covered by the law today. We are not adding any additional coverage. We are talking about people presently covered by the law. This bill simply says those covered by the law should have the opportunity of having these rules, safety rules known, so that they can——

Mr. BURROWS. We agree wholeheartedly with that.

Senator PURTELL. These people are presently subject to the law.

Mr. BURROWS. It is not a matter of coverage of the law, it is a matter of educating those who are covered, and in compliance with it.

Senator PURTELL. That is right.

Mr. BURROWS. In order to get the education job accomplished, the ICC says that they want these people to register.

Senator PURTELL. So they can send them this information.

Mr. BURROWS. That is exactly right.

I contend that they aren't going to get it to them as well as can be done by the States.

Senator PURTELL. Is it being done now by any of the States——

Mr. BURROWS. No. They say they don't know the regulations. I agree that they don't. These regulations have been public and available for many years. If they are not down to the trucker today, how do they expect to get them to register?

Senator PURTELL. You believe it should be known to these truckers; do you not?

Mr. BURROWS. Very definitely.

Senator PURTELL. Does your association do anything about getting this information to your members?

Mr. BURROWS. I have only been with the association for 10 years and I have been in my present capacity for about 2 years. We have never disseminated the regulations as such in my time with the association.

Senator PURTELL. In 10 years?

Mr. BURROWS. However, I understand they have. We have done this thing: If you will go on to my statement——

Senator PURTELL. Let's wait for the rest of your statement until Senator Smathers gets back. I was simply trying to cover those things which I noticed in your testimony already heard by the committee.

Mr. BURROWS. This farmer who makes an occasional trip across the State line and should, therefore, register, if he were happened to be picked up by a Commission inspector or a patrol checkup, for example, and he couldn't prove—now, when they register they are going to have to send something back to this man to let him know that he is registered.

Senator PURTELL. That is right.

Mr. BURROWS. They have to do that. So if he can't prove that he is registered, then he is subject to the $100.

Senator PURTELL. No. I am sorry, but you listened to the testimony——

Mr. BURROWS. I know; he has to knowingly do it.

Senator PURTELL. Willfully and knowingly. Am I correct, Mr. Chairman?

Mr. CLARKE. That is correct.

Mr. BARTON. Mr. Clarke, does the occasional, reciprocal provision of the Interstate Commerce Act exempt from safety regulations the situation that he is talking about, the making of an occasional trip?

Mr. CLARKE. Just a moment. Yes; the trucker who makes an occasional trip in interstate commerce is also presently subject to our safety regulations. We are trying to reach the operators of 1½ million trucks out of over 11 million trucks in the country.

Mr. BURROWS. They don't even know if today they are subject to it——

Senator PURTELL. Let's not engage in a debate. If you will address yourself to the Chair, please.

91289—57——16

Mr. BURROWS. I am sorry, sir.

Senator PURTELL. I wanted to get your suggestion as to how it might be handled at the State level. It is hard for me to understand how you feel that would be an efficient way, how it could be done and, No. 1, how you would in fact get the States to do it.

Mr. BURROWS. The States have already asked the ICC for certain assistance.

Senator PURTELL. They have asked, as a matter of fact for the promulgation of rules by which they could control this safety feature.

Mr. BURROWS. That is right. In other words, for adoption of a uniform set of safety rules and regulations for the whole country. Twenty-four States have already done so. Therefore, 24 States are already—should already—send these rules and regulations to everyone registered in their States; should they not?

Senator PURTELL. I don't know that they should. That is a matter for the State to determine. Because we are addressing ourselves only to those trucks that engage in interstate commerce. That is all we can do here.

Mr. BURROWS. I realize that.

Senator PURTELL. The State is responsible for all the trucks, intrastate, on their highways. It is an interruption of States' rights if we try to get into that field.

Mr. BURROWS. I agree with you on that. I am trying to get the job done at the least possible cost.

Senator PURTELL. I think we are going to try to do that, too.

Mr. BURROWS. Let me just——

Senator PURTELL. If the job must be done, that is.

Mr. BURROWS. For example, if you have a good hauler who wants to follow the rules and regulations and he reads his newspaper and—which naturally the Commission would publicize these requirements of registering and so forth—why he would in all probability comply, and you probably may even get 50 percent compliance, and then the Commission would send these out and—the regulations and explanation out. However, there are also certain people that the Commission is particularly anxious to cover so that they are educated and will comply, and so that they know of these regulations and when they pick them up, they can't say "I don't know." And if a trucker has a mind to, why he can pick up this card, and he can put his John Doe, San Francisco, Calif., when he lives out in Mobile, Ala. Whereas, with a State registration, if the State—the State would get it to him.

Now, if the Commission sent these education papers to him in California, they would never reach him.

Senator PURTELL. Are you prepared to go before the 48 States and ask that they do this job for the ICC? In the first place, the Commission itself can't, because the Commission has no power to go within the States.

Mr. BURROWS. In other words, it is not feasible——

Senator PURTELL. The Commission can only concern itself with interstate commerce.

Mr. BURROWS. I agree with you there.

Senator PURTELL. We have to draw a very distinct line there.

I understand that Senator Smathers is going to be held up, so will you proceed with your testimony?

Mr. BURROWS. All right.

Using the Commission's method, truckers could always claim they did not "know" about the registration requirement because they had never been contacted directly. On the other hand, they have to register their trucks in the individual States so, if our suggested method is used, there will be no excuse. They will have knowledge of the safety regulations without enlarging Interstate Commerce Commission's burden or cost the taxpayers money.

If this bill is passed, we wish to point out that any farmer who happened to haul any of his exempt commodities (or nonexempt commodities) over a State line would be required to register. In many instances this might mean ony a pickup truck. The records could be voluminous and the Commission would still not be accomplishing what they intended. If the farmer, in this instance, happened to be stopped by Interstate Commerce Commission inspectors or in a routine patrol checkup and could not produce proof that he had registered with the Commission, he could be subject to a stiff penalty.

Senator PURTELL. We have just covered that in our colloquy.

Mr. BURROWS. That is right. May I ask a question?

Senator PURTELL. Do you think a farmer who occasionally goes across the State line in a pickup truck delivering something of that nature should be required to register with the ICC?

Senator PURTELL. The answer is a very simple one, since we are not extending the coverage of the law to anybody not presently covered; those people are presently covered. What you are asking me in effect, I assume, is if I think that law should be rescinded where he is presently covered. That is a law today; we are not extending coverage on the law. He is subject to it today. He would be no more subject to it if we passed this proposed legislation.

Mr. BURROWS. That is right. A simple matter of registering wouldn't be any harm.

Senator PURTELL. That is a matter of opinion, but when it comes to the question of additional coverage, there is no additional coverage.

Mr. BURROWS. No.

Thus he would sustain a financial loss, even though he met all the safety requirements and even though he made only an occasional such trip simply because he didn't send in his 2-cent postcard.

The bill would require truckers to file statements "in such manner as the Commission may prescribe." It is easily conceivable that the manner prescribed could go far beyond what is presently intended. Also we question the value of No. 3 relative to safety.

On Wednesday, March 20, we were present and heard the testimony of the National Council of Farmer Cooperatives and the questions and answers that took place. We strongly support the position taken by the council at that time. During the discussion it was plain to us that there was some doubt in the Commission's mind as to what this bill was supposed to do. There was talk of education and there was a lot of talk about enforcement.

I believe it is apparent to the committee that the bill's purpose is one of education and compliance and not enforcement. Enforcement will only come by having sufficient field inspectors.

Senator PURTELL. We had testimony from the Chairman of the ICC that this was a matter of compliance; what they are trying to do is get compliance in this case.

Mr. BURROWS. I agree with you, but there was some other testimony. Here again we reiterate our earlier statement it would be wise to use the funds and personnel for enforcement for this purpose.

On the matter of compliance and education I believe the council presented a sound, basic approach. We differ with them in only one respect. In order to secure 100 percent distribution of the regulations (at a minimum cost) we firmly believe that same should be made through the State licensing channels.

After this has been accomplished then the trade organization can go to work on an education program in cooperation with the Interstate Commerce Commission pointed at compliance. Certainly we can distribute the regulations and explanations to our members but the real value will come in showing them they have a responsibility in not placing obstacles in the way of greater highway safety. In fact they must help by insisting on good equipment and reliable personnel.

The International Apple Association, Inc., has done this in a small way with regard to hours of service. We have been attempting to educate our members that a driver cannot drive over 10 hours and that when a driver quotes a schedule that would require greater than 10 hours at one stretch, that the shipper knows he (the driver) is violating the law.

We respectfully submit that the purpose for which this bill is intended can best be accomplished through the States and at a minimum cost. We therefore urge your committee disapprove S. 1490.

Senator PURTELL. I am sure, Mr. Burrows, that you, as all the people that are testifying here, are anxious to see that a greater degree of safety is found on the highways. And I also can understand your apparent fear that this might be the entering wedge toward further control of this particular segment of our trucking industry.

I can understand those things and we appreciate your coming here and giving us the value of your testimony. And I have no more questions, but I thank you for being with us.

Mr. BURROWS. I thank you for the opportunity, sir.

Senator PURTELL. Our next witness is Mr. James D. Mann, managing director of the Private Truck Council of America.

We are glad to have you with us, Mr. Mann.

Mr. MANN. Thank you, sir. I am glad to be here.

STATEMENT OF JAMES D. MANN, MANAGING DIRECTOR, PRIVATE TRUCK COUNCIL OF AMERICA, INC.

Mr. MANN. My name is James D. Mann, managing director, Private Truck Council of America, Inc., 714 Sheraton Building, Washington, D. C., on whose behalf this statement is submitted, and I am appearing here due to the inability of my president, Mr. H. O. Mathews, general manager, Transportation and Distribution, Armour Co., Chicago, to be present.

The Private Truck Council of America, Inc., is a national nonprofit organization of all types of businesses, which operate motortrucks, not for hire but in the incidental course of their businesses—in moving or

delivering their own materials or products or performing their own services.

Such business, of course, include manufacturing, mining, processing, wholesaling, retailing, and servicing. Council members engage in such diverse activities as processing and distribution of meat, carbonated beverages, bakery products, dairy products, beer, petroleum, groceries, truck renting and servicing, and laundering and dry cleaning, just to mention a few.

The council's opposition to S. 1490 does not mean it is opposed to highway safety. The council by its very nature is keenly aware of the highway safety problem; for years has conducted a substantial highway safety program of its own, including dissemination of information regarding compliance with the ICC Motor Carrier Safety Regulations.

Since so many questions asked as to what various organizations are doing to publicize the ICC's Motor Carrier Safety Regulations I would like to point out what we have done and are doing at the present time.

The original motor carrier safety regulations were adopted in December 1936 and became effective as to certain parts on April 1, 1937, and as to other parts on July 1, 1937. The first major revision became effective on January 1, 1940, and the regulations were made applicable to private carriers on October 15, 1940.

Shortly thereafter the council's highway safety committee, realizing that the average person did not have time to study and become thoroughly familiar with the motor carrier safety regulations, and particularly that many truckdrivers would never read the regulations, prepared a "Drivers' Handbook and Safety Manual for Commercial Truck Operators," which we have been selling since the regulations went into effect. A major revision of the handbook was made in 1952.

I checked with our printer yesterday and we sold around 30,000 copies of that edition.

Senator PURTELL. What is the date of publication?

Mr. MANN. November 1952.

Senator PURTELL. 1952. What do they sell for, please?

Mr. MANN. Thirty cents apiece for 1 to 100 copies. From 100 to 500, 25 cents a copy, 500 to 2,000, 20 cents apiece and over 2,000, 15 cents apiece. Last spring we again revised the book. We added sections on winter driving, limited-access highways, signs and markings, accidents and accident reporting.

We sent out notices like this to all of our members and we intend to send them out to all nonmembers we know of, to tell them about the handbook and advise that they order copies.

Senator PURTELL. We would like one of those for the record. If you will leave one of those with us, they will become part of the record.

I want to commend you, too, for this book that was handed to me. It was issued in January 1957?

Mr. MANN. That is the revised edition.

Senator PURTELL. I haven't had an opportunity of reading it completely. I notice you appear to have covered almost all of the phases of safety in the handling of motor vehicles.

Mr. MANN. That is right.

Senator PURTELL. You have in there a digest of ICC safety regulations. They are condensed, I might say, into 15 pages, so I commend you and your organization for this type of job.

Mr. MANN. We made it this size so that the driver can put it in the glove compartment of his truck or his pocket. In addition we have published a "Manual Covering ICC Regulations Applicable to Private Motortruck Operators," and which contains all the ICC regulations of all types applicable to private motortruck operators.

We sell it to our members on a subscription basis. So we have really kept our members familiar with what is going on.

Now, there are a number of people who operate purely in intrastate commerce, but are still carrying goods in interstate commerce and I have gotten a number of questions about this matter. I spoke to our special counsel about it and last week he drafted a very brief circular which we sent out yesterday to all of our members in which we state your truck can be in interstate commerce without crossing the State line and urge private truck operators to make sure whether ICC motor carrier safety regulations apply.

We are continually bringing to the attention of our members the need of compliance with the ICC regulations.

Senator PURTELL. These bulletins are sent to all of your membership?

Mr. MANN. To all of our members.

Senator PURTELL. Your membership is how large?

Mr. MANN. We have approximately 800 on our mailing list.

Senator PURTELL. In how many States?

Mr. MANN. Practically all States. There are a few States where we don't have members. But practically all of our members have representatives or branch offices in all States, so our mailing list contains many instances of mailings to those branch offices.

In line with safety, we also publish each month a highway safety bulletin in cooperation with the National Safety Council in which we propose to our members a safety program for the coming months.

I am sure there are other organizations that are doing the same type of work and maybe even better than we are doing, but since it was brought out here that nothing was being done, I felt the committee should know what we are doing in our own way.

Senator PURTELL. Very happy to have it. We would like to have these bulletins that you are issuing become a part of the record, available not in the record here but available to the committee as a part of the record of the hearings.

Mr. MANN. I will see that you get sufficient copies.

(The documents above referred to are as follows:)

DRIVER'S HANDBOOK AND SAFETY MANUAL FOR COMMERCIAL TRUCK OPERATORS

The Do's and Dont's of Good Driving including a digest of the ICC's motor carrier safety regulations, revision of 1952 applicable to drivers. Prepared by Private Truck Council of America, Inc., Washington, D. C.

As we start our driving each day let us be constantly mindful of the safety of others and of ourselves

Foreword

Commercial vehicles today are playing an important part in our national life.

The trucking industry has become a highly specialized occupation for thousands of men like yourselves who are proud of their profession.

Since a competent driver is only made after extensive driving experience and training, it is our hope that the information outlined in this manual will serve you well.

To be well informed is to be well armed. Correct information is a safeguard. It enables you to be ready and prepared to successfully meet any driving situation. It gives you confidence which will make you not only careful but also thoughtful. Remember—a safe and courteous driver is the most appreciated asset on the highway today.

Driver's Responsibility

As a driver, it is your responsibility to practice and promote safe driving on the highway. This responsibility should be foremost in your mind all the time you are behind the wheel.

Here's what you can do to become a dependable and careful driver—

Keep yourself physically fit and mentally alert.

Always carry your driver's license and be sure that all registration or permit plates are available for Federal, State, or local inspection.

Be familiar with all local, State, and ICC regulations.

Guard against road mishap by making prior routine check of such items as distribution of your load, in addition to steering gear, tires, brakes, lights, windshield wipers, and horn. See that your vehicle is equipped with the required number of flares, fusees, and flags.

If your vehicle carries a high load, check all clearances of underpasses. See that load is properly distributed. Also give attention to tail gate, tarpaulins, chains, ropes, etc. Red flags in daylight and red lights at night should be attached to those projecting 4 feet or more beyond rear tail gate.

Drive at a speed consistent with the condition of road surface, density of traffic, and degree of visibility.

Approach children and pass through pedestrian-traffic cautiously. Be particularly careful to give elderly persons the right-of-way.

Obey the universal traffic rule—never pass a school bus in either direction while bus is stopped.

Maintain proper position in line of traffic when going straight ahead or making a right- or left-hand turn.

Maintain safe distance in following another vehicle. This will be determined by the condition of the road, speed, visibility, weight of load, and braking ability of your vehicle.

Give proper hand or mechanical signals before making right or left turn, slowing down or stopping.

Do not drive with your horn. Use it only to warn others.

Do not depend entirely on your rear-view mirror. Use it as an aid.

Enter and cross intersections with vehicle under control and know that you can cross the intersection safely.

In making right turns, keep as close as possible to the right side of the road. For left turns, keep to the center lane but on your side. It is well to signal at least 200 feet in advance what you desire to do in order to give following traffic an opportunity to adjust its driving accordingly.

Slow down before entering a curve and accelerate gradually as you round it. Do not attempt to pass another vehicle on a curve.

When driving at night, see that both headlights are lighted and beams properly adjusted. Use dimmers during a fog and reduce speed consistent with visibility.

Back your vehicle only when necessary.

When parking do not rub tires against curbing. Back front wheel into curb if facing uphill and toe front weel into curb if parking downhill. Set parking brakes securely.

If you have to stop on a highway at night, use your emergency warning signals immediately. Place a lighted fusee, red electric lantern or red emergency reflector at traffic side of your vehicle. Place flares (pot torches), lanterns, or reflectors in center of your traffic lane, approximately 100 feet behind your vehicle and at the same distance in front of the vehicle. Use red flags similarly for this purpose in the daytime.

Remove ignition key when vehicle is unattended.

Do not carry unauthorized passengers.

Safety and Courtesy

It is easy to make safe driving a habit. A safe and careful driver is also a courteous driver. Truck drivers have earned and now enjoy this reputation.

Your attitude on the highway and the way you drive is important—actions speak louder than words!

Proper position of your truck on the highway in conjunction with the use of proper signals will reduce the possibility of accidents. Any driving rules that contribute both to safety and goodwill are based on commonsense and courtesy, for example—

Take your turn in traffic, do not crowd other vehicles.

Drive in one traffic lane unless passing other cars.

When you are signaled by another driver that he wishes to pass, let him, if it safe for you to do so.

Pass vehicles ahead only when there is ample room to get back safely into your own lane.

Do not "tailgate."

Allow pedestrians to continue crossing ahead of your truck, should traffic lights change.

In parking do not block pedestrian crosswalks, private drives, or other entrances.

Defensive Driving

A defensive driver is one who makes allowances for the lack of skill and the lack of knowledge on the part of the other fellow—who recognizes that he has no control over the unpredictable actions of other drivers and pedestrians, nor over conditions of weather and roads, and who, therefore, develops a *defense* against all these hazards. He concedes his right-of-way and makes other concessions to avoid collision. He is careful to commit no driving errors himself, and is defensively alert to avoid the accident traps and hazards created by weather, roads, pedestrians, and other drivers.

A defensive driver should—

Slow down at every intersection where vehicles are approaching or where vision is obscured.

Be prepared for the thoughtless or reckless driver who fails to stop at "stop" signs.

Let the other driver take the right-of-way if he insists upon "hogging" it.

Slacken speed, drop back, and let into line a driver who tries to pass and misjudges the space available.

Slow down if an approaching driver, in passing other cars, has difficulty in getting back into his own lane.

Drop back and let into line any driver who foolishly tries to pass on a hill or a curve.

Hold his speed and give full opportunity to the driver behind who is intent on passing.

Watch out for pedestrians.

Slow down when approaching children or bicyclists.

Sound horn, first at a distance not to startle, and again when about to pass.

Keep his temper even under the most irritating circumstances. He can't be angry and be a safe driver.

Correct Driving Habits and Precautions

As a professional truck driver you—

Realize you are responsible for your truck, your cargo and your driving.

Practice courtesy and encourage others to do the same.

Realize the other fellow has the right-of-way, and drive accordingly.

Understand your equipment—get to know it thoroughly—ask questions, if necessary.

Keep your eyes on the road and your mind on your driving.

Stay within proper speed limits and obey all traffic warnings.

Are always alert to unpredictable actions of children and pedestrians.

Do not leave your vehicle unprotected.

Maintain sufficient distance behind other vehicles—one vehicle length for each 10 miles per hour on dry pavement—double on wet—four times on ice.

Keep as far to the right as possible except when passing.

Do not pass another vehicle at or approaching an intersection, on a hill or curve.

Do not coast down a hill.

Back your truck only when it is safe to do so—get help when you can.

Shift gears, if necessary, *before* crossing a railroad track.

Stop for school buses when they are loading or discharging.

Shut off engine when refueling, and do not smoke nor permit smoking near the vehicle.

Operate your accelerator and brakes smoothly.

Keep your windshield clean and your cab in orderly condition.

Check your lights, tires, and brakes while en route.

Permit engine to warm up before moving vehicle—never race a cold engine.

Make sure that all airbrake tanks are properly drained.

Keep instrument panel gages under observation.

Highway Hazards

A prerequisite of safe driving is to have a general knowledge of the hazards of your route and to take precautions to overcome them.

Among such hazards are—

Adverse weather conditions.

Narrow bridges and approaches; maximum allowable bridge load limits.

Clearance of underpasses (remember ice or snow reduces clearance).

Construction work, blockades, or detours.

Overhanging tree limbs, falling rocks, wires, and other roadway obstructions.

Stray animals.

Farming equipment and road machinery.

Winter Driving

Winter driving requires special care because of the weather. Accidents can be avoided. The two most important causes of accidents during winter are decreased traction and poor visibility because of snow, ice, sleet, rain, mist, and fog.

Some precautions that should be taken are—

On slippery ice or snow start in one of the higher gears and engage clutch slowly;

Use engine to decelerate and exert light intermittent pressure on brakes to minimize skidding;

Approach curves cautiously;

Don't rely too much on chains or other skid control devices;

Defrosting equipment should be in good working order;

To avoid the dangers of carbonmonoxide, see that the cab is well ventilated at all times.

Remember, winter driving conditions call for reduced speed!

NIGHT DRIVING

In night driving there are certain responsibilities that you must assume in order to attain the maximum of safety.

Headlights should be checked regularly to see that (a) they are properly adjusted, (b) they have clean lenses and reflectors, and (c) both filaments will light.

Spare bulbs and fuses should be carried in the vehicle.

Drive your vehicle at a speed consistent with its braking ability and the degree of visibility afforded by your headlights.

Speed should be reduced when bright lights are confronted.

Pass oncoming vehicles with your "dimmers", or low beam lights, on. This is the courteous thing to do.

Turn lower beam or parking lights on at dusk so that oncoming drivers or pedestrians may see you.

Switch to low beam lights when driving through a city or town.

Turn on "parking" lights at once when parking.

In fog use dim or low beam lights. It will permit better road vision without reflecting glare. It is also a wise precaution to reduce speed and sound horn frequently.

HOLIDAY HAZARDS

Holidays create certain additional traffic hazards.

Watch out for the following:

Increased traffic, as a result of holiday activities.

Pedestrians, many of whom will be hustling about the city streets on last minute shopping errands; be distracted by the many things they hear or see, and sometimes drink; or be carrying packages that interfere with their vision, impede their movements and otherwise distract their attention.

Children, home on school vacations, playing in the streets and "hitching" rides on passing vehicles, and irresponsible teen-agers driving the family car in a happy-go-lucky, carefree manner.

Visitors, unfamiliar with city traffic and not sufficiently acquainted with local driving conditions and hazards.

Parked cars, in unusual places, massed grouping of cars for private parties at homes, near stores, churches, theaters, etc., some of which may be improperly parked.

Multi-colored lighting, on or near thoroughfares, which many cause drivers to become confused or mistake them for traffic signals.

GRADE CROSSINGS

All grade crossings regardless of their character or their location should be treated with respect.

Most grade crossing accidents are caused by unsafe driving practices. In order to prevent accidents at grade crossings, there should be absolute compliance with all Federal, State and local laws governing grade crossings.

Include in your driving practices the following:

1. Don't change gears while crossing.
2. Don't overtake another vehicle on a crossing.
3. Don't start to cross directly behind a passing train if there is more than one track. Wait and see what may be coming from the other direction.
4. Don't try to beat the train to the crossing.
5. Don't take train schedules for granted. They may change overnight.
6. If in doubt of what you should do, always come to a complete stop before making up your mind.

FIRE PREVENTION

Fire prevention as it applies to your vehicle involves a wide variety of factors, which may be noted as follows:

(1) Fires originating in your vehicle itself.
(2) Fires originating in your cargo.
(3) Fires originating from outside sources.
(4) Fires originating from accidents.

FIRES ORIGINATING IN YOUR VEHICLE

Gasoline probably presents your greatest single fire hazard. Watch your fuel lines and see that connections are tight. Be careful not to prime your carburetor when the engine is hot. See that metal contact is made with hose

and gasoline tank during filling operations. Do not smoke while gasoline tank is being filled or if you suspect gasoline leaks in other parts of your equipment.

If your carburetor is overchoked and the engine does not start immediately, gasoline may overflow and be ignited by a backfire.

Be watchful of excessive grease and oil as these are hard fires to put out. Do not keep oily rags or waste in seat of cab, tool box, or lying around the bed of your vehicle. See that sparks from smoking while driving do not lodge in some concealed part of your cab.

Dragging brakes or "riding" the brakes sometimes causes fires which spread to the tires. These are difficult fires to handle. Oil and dirt from the compressor of your air brakes may restrict air lines which may become sufficiently hot to ignite grease or oil.

Heat generated by a soft or frayed tire may be sufficient to burst into flame. Be alert to the behavior of your vehicle on the road and inspect your tires at proper intervals during long trips, in order to detect overheated tires.

See that there is sufficient clearance between your exhaust line and floorboards. Tarpaulins dangling over the exhaust line is another source of fire.

Check your battery ground connections frequently to see that they are secure. Poor grounding throws an overload on electrical circuits and results in fire. Check your battery cover too, often forgotten tools left by the mechanic may cause a short circuit.

Other sources of fire are worn battery cables, lighting wires, or loose electrical connections.

FIRE STARTING IN YOUR CARGO

Be careful of smoking during loading or unloading operations. Where flammable cargo is involved be sure that you understand special precautions which are to be taken. This applies to transportation of such flammables as explosives, compressed gases, certain chemicals, etc. Discuss these fire-prevention precautions with the proper authority at your terminal before starting on your route. Be sure you know what precautions to take in handling a mixed cargo. These precautions vary depending on type of cargo and the amount. Ask your company about this.

FIRES ORIGINATING OUTSIDE YOUR VEHICLE

If possible remove your vehicle without delay from the source of an outside fire. Do not park your vehicle near a suspected source of fire, such as, incinerators, locations where welding is being done, or other recognizable fire hazards. Keep your truck closed and your cab doors shut whenever you suspect a fire hazard. This will serve as a fire retarding agent.

FIRE RESULTING FROM ACCIDENTS

If you can do so safely, use your own fire-fighting equipment to extinguish fire. Be careful of the possibility of gasoline explosions. Keep others away from your vehicle. If you are in the vicinity of town or city, have someone call the fire department. You should stay with your vehicle. If you are in a collision and can possibly do so, immediately turn off your ignition as this may help to prevent a fire should your truck turn over. Fires occur quickly—be alert and on guard to any conditions that may result in fire to your vehicle or your cargo.

Make sure your fire extinguishers are available and in working order.

In Case of Accident

(Unless your company's policy provides otherwise)

Should there be a personal injury to anyone, it is your responsibility to render all possible assistance in securing aid for the injured. If medical aid is required and a police officer can be reached, request the police officer to call for medical assistance.

In the absence of a police officer, call the telephone operator, tell her of the need for medical assistance and endeavor to obtain it. Describe the exact location of the accident, such as the name of the street or highway, nearest intersection or distance from nearest village or town.

Do not lose your temper or argue with motorists or persons involved in accidents. The accident has happened—the next step is to get the details in an orderly and gentlemanly manner.

A driver's conduct at the scene of an accident often has a distinct bearing on the ultimate disposition of a case.

Get the names and addresses of as many witnesses as possible. It is not advisable to approach anyone with the question, "Did you see the accident?" Quite frequently persons not actually witnessing the accident can furnish helpful information incident to the accident. Get all license numbers and note the make, model, etc., of all vehicles involved.

Fix in your mind the exact position of all vehicles, and take measurements by pacing off distances from curb, crosswalk, center of highway, nearest intersection, landmarks, etc. Make written notes for future reference to assist in the preparation of accident reports.

Do not discuss responsibility nor should you sign any paper or make any settlement at the scene of the accident.

Digest of the Interstate Commerce Commission's Motor Carrier Safety Regulations (Revised as of July 1, 1952)

This portion of the Handbook is intended to present the ICC regulations directly applicable to drivers in brief form and in easily understood language. It is not intended, however, for use as a substitute for the official regulations.

To permit ready reference, the rules cited in this digest have been numbered to correspond with those carried in the official ICC Motor Carrier Safety Regulations—Revision of 1952.

If you are driving your vehicle in interstate commerce, you will be generally subject to the following safety regulations:

Part 191—Qualifications of Drivers

As a driver you have a responsibility to yourself, your employer, and the general public to insure that you are fit to drive before taking the wheel of a motor vehicle.

191.2 *Minimum requirements.*—You are required to meet and maintain the following minimum specifications: You must be mentally and physically sound and have no disabilities that will interfere with your driving. You must have both feet, legs, hands and arms. Your eyesight and hearing must be good and you must have no drug habits or use alcoholic beverages to excess.

191.3 through 191.7 *General qualifications.*—You must be a competent driver with at least one years' driving experience; you must be at least 21 years old, read and speak the English language, and be familiar with the driving rules and regulations established by the Interstate Commerce Commission.

191.8 *Original physical examination.*—If you were employed on or after July 1, 1952, you are required to undergo a physical examination by a licensed doctor of medicine or osteopathy.

191.9 *Periodic physical examination.*—On and after January 1, 1954, you must be physically reexamined at least once in every 36 months.

191.10 *Certificate of physical examination.*—The doctor's certificate of original or periodic physical examination, or a legible photographically reproduced copy thereof, must be given to and retained by your employer. You must also have in your possession while driving, such a certificate or a photographically reproduced copy thereof.

191.12 and 191.13 *Additional qualifications and requirements.*—An employer may require additional physical and intellectual qualifications. Your employer is also required to maintain a record of your driving history.

Part 192—Driving of Motor Vehicles

Obey these rules

192.1 *Compliance required.*—Every driver must know these rules and obey them at all times.

Other safety rules

192.2 *Additional carrier rules permitted.*—Employers may enforce additional rules for drivers in the interest of greater safety.

Obey local rules

192.3 *Driving rules to be obeyed.*—You must always drive your vehicle in accordance with the traffic laws, ordinances, and regulations of the State or local community in which you are operating, unless such laws, ordinances, and regulations conflict with specific regulations of the Interstate Commerce Commission which impose upon you greater obligations or restraint.

Be fit to drive

192.4 *Driving while ill or fatigued.*—Never drive when you are not fully alert and capable of driving safely.

No drinking on duty

192.5 *Alcoholic beverages.*—Never go on the job or drive while under the influence of any alcoholic beverage or liquor. Never drink any alcoholic beverage or liquor on the job.

Check vehicle before starting

192.7 *Equipment, inspection and use.*—Before starting out on a trip, check the following parts and accessories to make sure they are in good working order. Never fail to use or make use of these parts and accessories when needed: Hand and service brakes; trailer brake connections; steering mechanism; lighting devices and reflectors; tires; horn; windshield wipers; rear-view mirrors; coupling devices.

Check emergency equipment

192.8 *Emergency equipment, inspection, and use.*—Before starting off on a trip, check the following required emergency equipment to make sure it is in place and ready for immediate use. Never fail to use this equipment when needed: Fire extinguisher; spare bulbs and fuses, and hand tools necessary to replace same; tire chains. Warning devices, viz: Three flares (liquid burning pot torches), 3 fusees, and 2 red cloth flags; or 3 red electric lanterns and 2 red cloth flags; or 3 red emergency reflectors and 2 red cloth flags.

Check all loads

192.9 *Safe loading.*—(*a*) *Distribution and securing of load.*—Never drive a vehicle if the load is improperly distributed or inadequately secured so as to prevent its safe operation.

(*b*) *Doors, tarpaulins, tailgates, and other equipment.*—Never drive a vehicle unless the tailgate, tailboad, tarpaulins, doors, all equipment and rigging used in the vehicle operation, and all means of fastening the load, are securely in place.

(*c*) *Interference with driver.*—Never drive a vehicle when the load or other object obscures your view, interferes with your driving, prevents free access to emergency equipment, or prevents free and ready exit of any person from the cab or driver's compartment.

Stop at crossings

192.10 *Railroad grade crossings—Stopping required.*—Drivers of vehicles in the categories listed below, must make a full stop within 15 to 50 feet of all railroad crossings, and must not proceed until certain the way is clear (a full stop need not be made at a streetcar crossing within a business or residence district, or at a railroad grade crossing where a police officer or a green traffic control signal directs traffic to proceed):

(*a*) Every vehicle transporting explosives or chlorine.

(*b*) Any vehicle placarded with one of the following markings in accordance with regulations: Dangerous; dangerous, radioactive material; compressed gas; poison gas.

(*c*) Any cargo tank, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the Interstate Commerce Commission.

Caution at crossings

192.11 and 192.13 *Slowing down at grade crossings and drawbridges.*—You must approach grade crossings and drawbridges at such speed as will permit you to stop if necessary.

Caution when conditions hazardous

192.14 *Hazardous conditions.*—Extreme caution must be exercised when meeting hazardous conditions, such as snow, ice, sleet, fog, mist, rain, dust, smoke, etc.

Set parking brake

192.20 *Unattended vehicles—Precautions.*—Always securely set the parking brake and take all other necessary precautions to prevent movement before leaving the vehicle unattended.

Park off road

192.21 *Stopped vehicles not to interfere with other traffic.*—Whenever possible, stop or park your vehicle off the traveled part of the roadway. If imprac-

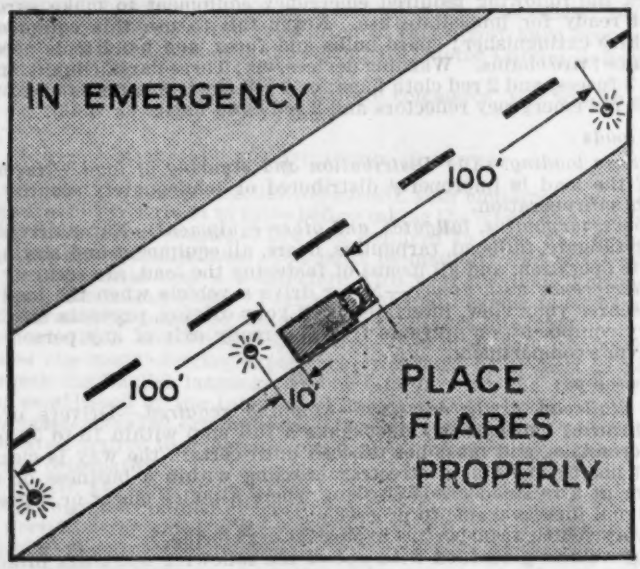
ticable, leave as much roadway width as possible. Be sure your vehicle is visible both to the front and rear as far as possible.

Place signals when vehicle disabled

192.22 *Emergency signals—Disabled vehicles.*—If your vehicle is disabled upon the highway pavement or shoulder during the period lighted lamps are required (except in a municipality where there is sufficient highway lighting to make vehicles and persons clearly visible at 500 feet), use the following warning signals:

(*a*) Immediately place a lighted fusee, a lighted red electric lantern, or a red emergency reflector on the traveled portion of the highway on the traffic side of the vehicle.

(*b*) As soon as possible thereafter (within the burning period of the fusee), place 3 liquid-burning flares (pot torches) or 3 red electric lanterns, or 3 red emergency reflectors on the traveled portion of the highway as follows: 1 each approximately 100 feet in front and rear of the disabled vehicle in the center of the occupied traffic lane, and one on the traffic side of the disabled vehicle not less than 10 feet to the front or rear thereof.



(*c*) If within 500 feet of a curve, hill, or other view obstruction, place 1 of the warning signals in a way to give ample warning, but not closer than 100 feet or farther than 500 feet from the disabled vehicle.

(*d*) Be extremely careful in using flame producing warning signals if there are any leaks of gasoline or other flammable liquids or gases.

Signals when stopped

192.23 *Emergency signals—Stopped or parked vehicles.*—If your vehicle is not disabled but you have to stop or park on the pavement or shoulder during the period when lighted lamps are required (except in a municipality where there is sufficient highway lighting to make persons and vehicles clearly visible at 500 feet), immediately place a lighted fusee, a lighted red electric lantern, or a red emergency reflector on the traveled portion of the highway at the traffic side of the vehicle. Place emergency signals as required in part 192.22 if your stop is to exceed 10 minutes.

Flame producing signals dangerous

192.24 *Emergency signals—Flame-producing.*—Never attach a lighted fusee or other flame-producing emergency signal to any part of the vehicle.

Signals for dangerous cargoes

192.25 *Emergency signals—Dangerous cargoes.*—The carrying or use of fusees or other flame-producing emergency signals for protecting any vehicle

transporting explosives, using compressed gas as fuel, or transporting flammable liquids or gases, whether loaded or empty, is strictly prohibited. Use red electric lantern or red emergency reflectors instead.

Emergency signals during day

192.26 *Red flags—Stopped vehicles.*—If your vehicle is disabled, stopped, or parked on the pavement or shoulder (except in a business or residence district) during the time lighted lamps are not required, place 1 red flag 100 feet in front and 1 red flag 100 feet to the rear of the vehicle in the center of the occupied traffic lane.

Driving lights required

192.30 *Lighted lamps—Moving vehicles.*—Always make certain when driving that your required lamps are lighted during the period of one-half hour after sunset to one-half hour before sunrise, and at any other time when persons and vehicles are not clearly visible for 500 feet ahead.

Lights when stopped

192.31 *Lighted lamps, stopped or parked vehicles.*—When stopping or parking on the highway in business or residence districts during the time lighted lamps are required (unless there is adequate highway lighting for clear visibility at least 500 feet distance), display 1 white or amber light on the traffic side of the vehicle and at least 1 red light on the rear of the vehicle, both lights visible for at least 500 feet. Headlamp beams should be dimmed or depressed if used.

Use of upper and lower beam

192.32 *Upper and lower headlamp beams.*—

(a) Use the upper headlamp beam when there is no oncoming vehicle within 500 feet. However, for safety, use the lower beam when fog, dust, or other conditions make it difficult to see with the upper beam, or in municipalities where street lighting is adequate for 500-foot clear visibility.

(b) Use the lower beam when within 500 feet of an oncoming vehicle or when following another vehicle within 500 feet.

Keep lights visible

192.33 *Obscured lamps or reflectors.*—Always check to make certain that your lamps or reflectors are not obscured from view by the tailboard, the load, dirt, or otherwise.

Your duty in accidents

192.40 *All accidents.*—If you are involved in an accident, you should:

(a) Stop immediately;

(b) Take all necessary precautions to prevent further accidents;

(c) Assist injured persons (do not move injured persons unless necessary to get them out of a place of danger);

(d) Give your name and address, your employer's name and address, the license number of your vehicle (and show your operator's license if requested), to any person demanding this information;

(e) Report the accident to your employer as soon as possible.

Striking unattended vehicle

192.41 *Striking unattended vehicle.*—If your vehicle hits an unattended vehicle and you are unable to locate the driver or owner, place your name and address and that of your employer in a conspicuous place on the other vehicle.

Care in fueling

192.50 *Ignition of fuel, precautions.*—To avoid the danger of fire, never—

(a) Fuel vehicle with engine running;

(b) Smoke or expose any open flame near vehicle during fueling;

(c) Fuel vehicle unless nozzle of fuel hose is in contact with fill pipe of the fuel tank;

(d) Permit, where practicable, other persons to do things that might result in fire or explosion.

Use fuel tanks only

192.51 *Reserve fuel.*—Never carry any fuel on the vehicle except in properly mounted tanks.

No unauthorized riders

192.60 *Unauthorized persons.*—Do not transport any person in your truck unless you have written authority to do so from your company; except em-

ployees assigned to the vehicle or when transporting an injured person in case of an accident.

Only authorized drivers

192.61 *Driving by unauthorized persons.*—Do not permit your vehicle to be driven by any other person unless authorized by your employer, except in case of emergency.

Riding within closed vehicles

192.64 *Riding within closed vehicles without proper exits.*—Never permit any person to ride within the closed body of a vehicle unless a ready means for obtaining exit is available on the inside.

Use of sleeper berth

192.65 *Sleeper berth, transfer from or to.*—Never transfer to or from a sleeper berth while vehicle is moving except by means of direct access between the cab and berth.

Carbon monoxide dangerous

192.66 *Carbon monoxide, use of vehicle when detected.*—Never drive or permit passengers on a vehicle until the necessary repairs have been made where the following conditions are known to exist:

(a) An occupant has been affected by carbon monoxide;
(b) Carbon monoxide has been detected in the vehicle;
(c) A condition that might result in carbon monoxide is discovered.

Open flame heaters dangerous

192.67 *Heater, flame-producing, on vehicle in motion.*—Never permit the operation of any open flame heater while the vehicle is in motion.

Keep motive power engaged

192.68 *Motive power not to be disengaged.*—Never disengage the source of motive power from the driving wheels except where necessary to stop or shift gears.

PART 195—HOURS OF SERVICE OF DRIVERS

195.2 *Definitions*—

(a) *On duty.*—A driver is on duty from the time he begins work or is required to be ready to work until he is relieved from work and all responsibility for performing work. Times spent resting in a sleeper berth and certain travel time (see rule 195.7) is not classed as time on duty.

(b) *Driving time.*—All the time spent on a moving vehicle, plus periods of 10 minutes or less spent away from it, count as time spent driving or operating. In determining intervals in excess of 10 minutes, all stops made in any one municipality may be computed as one if the driver has not driven more than 10 miles in the municipality. Time spent resting in a sleeper berth and certain travel time (see rule 195.7) is not classed as driving time.

195.6 *Sleeper berth.*—Only one person shall occupy the sleeper berth at any time.

195.7 *Travel time.*—When a driver at the direction of the motor carrier is traveling, and is not driving or assuming any other responsibility, on a public passenger conveyance or a carrier-operated vehicle having individual rest facilities equivalent to those on a public passenger conveyance, such time shall be counted as driving and on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he shall be considered as off duty for the entire period.

195.8 *Driver's daily log.*—(a) Every motor carrier shall require that a driver's daily log shall be made in duplicate by every driver employed or used by it and every driver who operates a motor vehicle shall make such a log. Form BMC–59 and the instructions for its use, which form and instructions are set forth herein, shall be used for this purpose.

(b) The requirements of this section shall not apply (1) to any driver who drives wholly within a radius of 50 miles from the garage or terminal at which he reports for work; provided, however, that the motor carrier employing or using such driver maintains and retains for a period of 1 year records showing the total number of hours the driver is on duty per day and the time at which the driver reports for and is released from duty each day; and provided further that no such driver remains on duty for more than 12 hours in any period of 24 consecutive hours; (2) to drivers of farm trucks; or (3) to drivers of motor vehicles of

private carriers of property commonly called work trucks, or work cars which are especially designed or equipped for use and are used solely in the construction or maintenance of their plants and equipment.

INSTRUCTIONS FOR THE USE OF DRIVER'S DAILY LOG (FORM BMC–59)

1. Drivers and motor carriers will be held responsible for the proper maintenance of the daily logs. Drivers shall keep the log current to the time of the last change of duty status. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to file logs with the motor carrier will make both the driver and the carrier liable to prosecution.

2. The driver shall forward each day the original log to his home terminal. If the services of a driver are used by more than one carrier during a calendar day, the driver shall furnish each motor carrier a copy of his log for the entire day. In such case the log shall indicate the name of each carrier served by the driver during that day.

3. The original logs shall be retained by the motor carrier for a period of 1 year. Duplicate copies of the logs are the driver's personal records and are to be kept for a period of 1 month in the possession of the driver while he is on duty.

4. The time standard in effect at the driver's home terminal shall be used. The log shall be prepared, maintained, and submitted for a 24-hour calendar day beginning at midnight.

5. All entries shall be made by the driver except that the name and main office address of the motor carrier may be printed or otherwise entered by an authorized representative of the carrier. The name of the motor carrier shall be that for which the driving is performed. In case of the driver of a leased vehicle, the name shown shall be that of the motor carrier performing the transportation.

6. The driver shall certify to the correctness of the log by signing his name in full.

7. In addition to the identification of the carrier and the driver's signature, the entries shall indicate:

(a) The month, day, and year for which the log is prepared.

(b) The total mileage traveled during the calendar day covered by the log.

(c) The carrier's vehicle number or, if no such number is provided, the State license number of the power unit.

(d) Driver's home terminal address.

(e) The actual period or periods during the calendar day spent in the activities specified on lines 1, 2, 3, and 4 by drawing a continuous line between the appropriate time markers. The following directions are illustrative only and are not to be construed as modifying the definitions or regulations in sections 195.1 to 195.12, inclusive:

Line 1, off duty.—All time, except that spent in a sleeper berth, when the driver is not working, is not required to be in readiness to work, or is not under any responsibility for performing work.

Line 2, sleeper berth.—All time resting in a sleeper berth.

Line 3, driving.—All time spent driving or riding on a moving vehicle, including all stops not in excess of 10 minutes, except that time spent in a sleeper berth or time spent traveling under the conditions named in section 195.7.

Line 4, on duty (not driving).—All time spent by a driver in performing work other than driving, such as loading or unloading, preparing reports, remaining in readiness to perform work, remaining in charge of disabled vehicles, stops for meals unless the driver has been relieved from duty, etc.

(f) Under "Remarks" the time and the name of the place where each such change of duty occurred, such as the place of reporting for work, starting to drive, stops exceeding 10 minutes in duration, and where released from work. Explain any emergency resulting in hours exceeding those permitted by the regulations.

(g) In the column "total hours," the hours and fractions thereof shown in each of lines 1, 2, 3, and 4. The sum of the entries in this column must total 24 hours. Enter the place where the trip began and the final destination or farthest turnaround points. On trips requiring more than 1 calendar day, the log for each day shall show the origin and final destination at the bottom of the log with the points of beginning and ending the travel of that day shown as required by (f) in "Remarks." If a driver departs from and returns to the same place on any day, the "destination or turnaround point" shall be the farthest point reached before the driver begins his return trip.

For further instructions regarding hours-of-service regulation, see your employer.

91289—57——17

SPECIMEN EXECUTED LOG

FORM — BMC 88 — Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C.

DRIVER'S DAILY LOG

(One calendar day — 24 hours)

Form approved, Budget Bureau No. 80-R999.8

ORIGINAL — File each day at home terminal
DUPLICATE — Driver retains in his possession for one month

May (Month) 1 (Day) 1952 (Year)

161 (Total mileage today)

Tractor #123 (Vehicle or State license number)

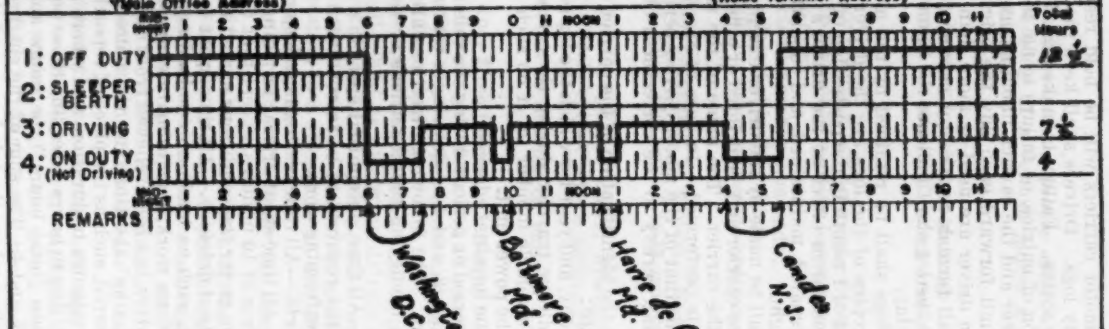
I certify these entries are true and correct:

X. Y. Z. Transportation Co. (Name of Carrier)

John E. Doe (Driver's signature in full)

Washington, D. C. (Main Office Address)

Baltimore, Md. (Home Terminal Address)



Check the time and enter name of place you reported and were released from work and when and where each change of duty occurred.

FROM: Washington, D.C. (Starting point or place)

TO: Boston, Mass. (Destination or turn around point or place)

USE TIME STANDARD AT HOME TERMINAL

The preceding specimen executed log shows how a driver's log is made out. The driver, in this instance, reported for duty at Washington, D. C., at 6 a. m., waited 30 minutes for work, spent 1 hour loading his vehicle, and then drove the vehicle for 2 hours, reaching Baltimore, Md., at 9:30 a. m. He stopped at Baltimore for 30 minutes for gas and coffee and left Baltimore at 10 a. m., driving for 2¼ hours, reaching Havre de Grace, Md., where he stopped 30 minutes for lunch. He left there at 1 p. m. and drove 3 hours, reaching Camden, N. J., at 4 p. m. There he spent 1½ hours unloading the vehicle, after which he went off duty for the rest of the calendar day.

Although he made a stop of 5 minutes at Laurel, Md., to make a delivery, this stop is not shown but is included in the driving time on line 3, as the stop was less than 10 minutes in duration.

The 2 stops of 30 minutes each at Baltimore and Havre de Grace are shown on line 4 "On duty," as these stops were more than 10 minutes in duration.

The total hours for each line show 12½ hours off duty; 7½ hours driving; and 4 hours on duty (not driving) for the day covered by the log. The sum of these hours shown under the "Total hours" equals 24 hours.

Under "Remarks" the checks on time markers and the entries show that the driver reported for work at Washington, D. C., at 6 a. m. and was on duty (not driving) until he started to drive at 7:30 a. m. The time spent driving, including the 5-minute stop, is shown on line 3. All stops for gas, coffee, and lunch, which exceeded 10 minutes each, are shown on line 4. The time spent unloading at Camden from 4 p. m. utnil 5:30 p. m. is also shown on line 4. At 5:30 p. m. he went off duty for the balance of the calender day and the time from 5:30 p. m. to midnight is shown on line 1 as was the time from the previous midnight to 6 a. m. when he went on duty at Washington.

As the destination of the driver on this trip was Boston, Mass., he should enter the original starting point and the final destination on the appropriate line near the bottom of the form, thus—From: Washington, D. C., To: Boston, Mass. The time marker and the entry indicate he traveled only as far as Camden where he was relieved of duty for that day. His log for the next day will show that he went on duty and started driving for that day at Camden. The original starting point and final destination are to be shown on the log for each day throughout the trip.

PART 196—INSPECTION AND MAINTENANCE

Every motor carrier, its drivers, and other employees directly concerned with the inspection and maintenance of motor vehicles must know and comply with the official ICC requirements covering inspection and maintenance of vehicles. (For full detailed instructions, see your employer.)

196.4 *Unsafe operations forbidden.*—No vehicle should be put in service until any defect, likely to cause an accident or breakdown of the vehicle, has been corrected. If you discover during operation that a vehicle is in unsafe condition, continue only to the nearest place where repairs can be made. This should only be done if it is less hazardous to the public than to permit the vehicle to remain on the highway.

196.7 *Vehicle condition report by driver.*—Drivers employed by carriers operating more than one vehicle must submit a written report daily at the end of their tour of duty, indicating satisfactory condition of the vehicle or listing any observed or reported defect in the vehicle that would be likely to cause an accident or vehicle breakdown.

PART 197—RULES AND REGULATIONS GOVERNING TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

(NOTE.—A complete, separate set of regulations has been prescribed by the Interstate Commerce Commission under this part governing the transportation of explosives and other dangerous articles. For detailed information, consult your employer.)

As we finish our day let us be grateful that we have driven safely.

DRIVER'S HANDBOOK AND DIGEST OF ICC DRIVER REGULATIONS

Prepared by Private Truck Council of America, Inc., Washington 5, D. C.

As we start our driving each day let us be constantly mindful of the safety of others and of ourselves

FOREWORD

Commercial vehicles today are playing an important part in our national life.

The trucking industry has become a highly specialized occupation for thousands of men like yourselves who are proud of their profession.

Since a competent driver is only made after extensive driving experience and training, it is our hope that the information outlined in this manual will serve you well.

To be well informed is to be well armed. Correct information is a safeguard. It enables you to be ready and prepared to successfully meet any driving situation. It gives you confidence which will make you not only careful but also thoughtful. Remember—a safe and courteous driver is the most appreciated asset on the highway today.

_____
(Name of driver)

(A line of asterisks (*) indicates material deleted which is identical to that in the Driver's Handbook and Safety Manual for Commercial Truck Operators.)

* * * * * * *

WINTER DRIVING

Winter driving requires special care and is greatly affected by temperature changes. A few degrees warmer temperature can give ice and packed snow a covering of water making the surface more slippery. The decreased traction and poor visibility are the main causes of winter driving accidents.

Accept your responsibility—remember, ice and snow are not responsible.

Before entering traffic, try the road surface by light brake applications. Feel how your unit reacts.

Clean all windows fully.

Use tire chains or other control equipment but don't rely on them.

Brakes should be applied in a manner suited for the equipment requirements. Pumping action is fast and safe on hydraulic type. Feathering application is suited for airbrakes. Feathering is the application point just short of locking wheels.

Give yourself stopping distance—don't follow too close.

Use the engine braking power by not disengaging the clutch too quickly when stopping.

Always ventilate the cab of the vehicle—carbon-monoxide is dangerous.

Start slowly—fast starts only spin the wheels.

Approach curves cautiously.

Adjust your speed to conditions.

Beware of ruts and crowned roads, even at low speeds. They can cause trouble.

Look out for frozen patches under bridge curves even though the road may be clear in other places.

* * * * * * *

LIMITED ACCESS HIGHWAYS

Limited access highways designed for modern traffic flow, present a new driving situation that demands additional driver skills and rules.

Never enter with faulty equipment, or low gasoline supply—breakdowns cause accidents.

Be alert, enter with the flow of traffic.

Remember at all times, you are on a fast moving highway.

Maintain a steady and safe speed.

When changing lanes—signal and make a good visual check before changing.

Keep to the right.

Never stop on the road—In case of breakdown pull off the road onto the shoulder.
Know the exit points.
Exit with caution from proper lane.
On exit, reduce your speed to proper level.

* * * * * * *

Signs and Markings

Signs and markings are placed to help you—obey them.
Although they vary in some States generally the following will be found.

Octagonal signs mean stop.

Diamond signs mean reduced speed.

Square signs mean caution.

Round signs and crossbuck signs mean railroad.

Know the regulations of your State and the States you travel. Road line markings vary from State to State. Be informed.

* * * * * * *

Accidents and Accident Reporting

(Unless your company's policy provides otherwise)

If your vehicle comes in contact with any other vehicle, property, person, or animal regardless of injury or damage, a report of the incident must be made. The general steps to be followed after every accident are listed below:

1. Place warning signals out immediately.
2. Care for injured persons. Don't move if seriously injured unless there is danger of fire. Summon first aid—make sure no authorization is given for hospitalization or medical treatment.
3. Notify company officials or the nearest office of your insurance carrier if a personal injury or large property damage is involved. Follow your company's instructions.
4. Make out accident report form.

Make diagrams.
Get all the details.
Don't trust your memory—write everything down.
Obtain witnesses—names and addresses—use not-at-fault cards.
Use exoneration form if other party will sign.
Note any license numbers of vehicles not directly involved; they may provide additional witnesses.

In addition to the four steps listed, remember the following:
Make no statements except to a police officer, company official, or your insurance carrier representative.
Take note of the police officer's name and badge number.
Never admit fault, even if you know you are responsible.
Don't offer or accept any settlement for damages no matter what the situation. Don't sign any papers or discuss the accident.
Keep cool—Don't argue—Your conduct may affect the case.
Don't leave the scene until all details are taken care of, and you know your report is complete and clear.
Pick up emergency equipment that can be reused.
If you are injured and cannot attend to the details, have someone notify your office as soon as possible.
Make sure you have accident report forms in your truck.

* * * * * * *

Mr. MANN. The council will support wholeheartedly any measures reasonably designed to improve highway safety.

The Interstate Commerce Commission has requested enactment of S. 1490 to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment, have adequate knowledge of such rules and regulations.

The ICC wants each private carrier on or before September 1 of each year to file with it a statement, in such manner as the Commission may prescribe, giving (1) the carrier's name, (2) his address and principal location, and (3) the number of vehicles owned or operated. The Commission claims that many private truck operators do not know that they are subject to its hours of service and safety regulations and that registration is necessary in order to enable the Commission to serve copies of the safety regulations on private truck operators.

If such service is the only purpose of the bill, to what end is information as to number of vehicles operated? Name and address alone will enable identification and service. The presence of that third requirement in the bill is evidence in itself that considerations other than safety are in the Commission's mind. Further, if highway safety is periled by the fact that some private truck operators now subject to the Commission's safety regulations are not aware that they are so subject, how will a registration requirement remedy that situation? Who will inform such operators that they are required to register? Could not that same information, as to required registration, instead not inform them of the existence of the safety regulations?

Despite the unfortunate statutory term "private carrier", the businesses in question are not a so-called regulated industry, like the for-hire transportation industry, or the radio broadcasting industry, or the banking industry, et cetera, but rather are all kinds of American businesses.

There is no more reason for them to be registered and served with copies of the ICC motor carrier safety regulations than there is for them to be registered by the Department of Labor and served with copies of the Fair Labor Standards Act and regulations, by the National Labor Relations Board and served with copies of the National Labor Relations Act and regulations, by the Department of Health, Education, and Welfare, and served with copies of the Food, Drug, and Cosmetic Act and regulations, or by any or every other Federal Government agency having regulatory functions.

Rather, the policy established by Congress is to give notice of Federal regulations to business in general through the Federal Register.

If most American businesses, i. e., businesses operating one or more trucks, are to be required to register with the Federal Government for purposes of being served with copies of regulations, we would have taken a long step in the direction of ultimate regimentation.

During debate last year on the trip leasing bill, S. 898, Senator Smathers, in commenting upon legislative recommendations of the Interstate Commerce Commission, stated:

> * * * The Commission recommended that agricultural haulers and private carriers as well as other carriers subject to safety regulations but not subject to economic regulation, be required to register with the Commission. Of course, we all know that registration is a customary first step toward eventual full economic regulation. (Congressional Record, Mar. 28, 1956, p. 5129.)

Senator PURTELL. Since Senator Smathers is not here, I think it would be helpful in this testimony and I think it ought to be appended at the end of your testimony as to what the complete statement of the Senator was in the Congressional Record on the floor of the Senate that you now refer to.

Mr. MANN. Yes, sir.

Senator PURTELL. Because obviously you only carry part of it.

Mr. MANN. That is right.

Senator PURTELL. I don't mean that you are doing that with the intention at all of changing the meaning of what the Senator said, but I think in fairness to the Senator, since he is not here, that we ought to have the whole statement made on the Senate floor at that time. So it will become a part of the record.

Mr. MANN. The council agrees with the Senator's statement and is of the opinion that registration would inevitably inspire demands for further regulatory powers.

At no time in recent years have the people of this country been so economy minded and have there been such concerted demands for a reduction in Government expenditures and expenses. The receiving and compiling of registrations and any other purposes for which the Interstate Commerce Commission would use this data would increase administrative costs. The end result would be an additional and useless tax burden to those concerned.

From the standpoint of American business, completing the initial registration list and keeping it up to date would mean additional administrative and clerical work for private truck operators and we know of no benefit which could accrue by virtue of such registration.

The answer to the highway safety problem is an adequate enforcement program. Last year Congress increased the appropriation for the Interstate Commerce Commission with the result that additional inspectors have been employed.

The council considers the Commission's proposal as unsound, unnecessary and dangerous.

We respectfully request that S. 1490 not be approved.

(The statement of Senator Smathers above referred to is as follows:)

EXCERPT FROM THE CONGRESSIONAL RECORD DATED MARCH 28, 1956

Time and time again the ICC since 1935 has recommended legislative action to Congress which would either restrict or completely repeal the agricultural exemption. In the 69th annual report of the ICC to Congress, dated November 1, 1955, and submitted just a few weeks ago, the Commission at page 128 recommended "that section 203 (b) be amended so as to limit the exemption of motor vehicles transporting agricultural commodities, fish, and livestock to transportation from point of production to primary market."

In the same report, at page 129, the Commission recommended that agricultural haulers and private carriers, as well as other carriers subject to safety regulations but not subject to economic regulation, be required to register with the Commission. Of course, we all know that registration is a customary first step toward eventual full economic regulation.

Senator PURTELL. Were you here this morning when counsel read what the law was in regard to the duties of the Commission?

Mr. MANN. Yes, sir.

Senator PURTELL. Relative to safety?

Mr. MANN. Yes, sir.

Senator PURTELL. So would you say that the end result would be a useless and additional tax burden if we were able to improve the safety on the highways for those trucks engaged in interstate commerce?

Mr. MANN. Well, of course, we are all interested in safety.

Senator PURTELL. I know you are.

Mr. MANN. We are doing all in our power to help the Commission publicize these rules. We just feel the man who right now doesn't know he is subject to the regulations will not know about this law if it is passed. Somebody still has to tell him. So why not spend that effort and time giving him the regulations instead of getting a registration? I don't think the matter of one more form is as important as the fact that business is getting so many. I would like to go off the record on this because I haven't investigated fully the statement I am about to make.

Senator PURTELL. All right; if you wish to go off the record, very well.

(Discussion off the record.)

Senator PURTELL. This registration isn't a very onerous job, is it?

Mr. MANN. No, it isn't, but it is just one more added to the many things that business is having to do. Now, the other day a man sent me a questionnaire with 51 exhibits that the Highway Research Board had sent him to fill out or get information on. And he wanted to know what to do with it. He said it would take them 16 hours to answer those questions.

Senator PURTELL. This was sent by whom?

Mr. MANN. Highway Research Board. I found out later that it was not supposed to have been sent to him, that an interviewer was supposed to have come around and interviewed the man, but the Board estimated it would take a half a day of the interviewer's time to ask the questions, it was so detailed.

Senator PURTELL. Senator Smathers——

Senator SMATHERS. I see that I have been quoted here.

Senator PURTELL. Yes. I suggested since you were not here, I suggested that your whole statement on the Senate floor be made a part of the record.

Senator SMATHERS. Thank you.

Senator PURTELL. Rather than just this small portion of it.

Senator SMATHERS. Yes. Well, the only thing that I think this demonstrates is what Carl Hayden, when he sees a young fellow, he says, "Don't make a speech, just go ahead and vote. You can explain a vote but you can never explain a speech." [Laughter.]

It just shows you, like Mark Twain, how much a fellow can learn. [Laughter.]

I don't know, I don't recall very frankly having said just that, but I have no doubt but what I did say it.

Mr. MANN. I have it here.

Senator PURTELL. Except if the rest of the speech were there it might throw a different light on it.

Senator SMATHERS. It might. The background of it, as I recall, was that we were trying to get some of our people to vote for the trip leasing bill. In order, I think, to pacify some of the agricultural

folks, we were going down the middle, as you know, trying to pull them in from both sides. So it may have been that this was one of the things we were saying for the benefit of the farmer. I would be afraid of regulation. I always have been of total economic regulation. But I don't see the danger in this particular bill, as I seem to say here. I would have to disagree with myself if that is all there is to it—I don't think that is a necessary—it may be customary, but I don't think it is a necessary corollary. Anyway, it will just have to stand as said.

Do you have any other questions?

Senator PURTELL. I haven't any questions. I want to thank, Mr. Mann, unless you have some, Mr. Chairman.

Senator SMATHERS. No.

Mr. MANN. I would like to give a plug to the ICC. The bureau of motor carriers has printed a very excellent poster, about 3′ by 5′ and printed in red ink, attention truck drivers, or something like that, which gives the finest digest in a nutshell of the ICC motor carrier safety regulations I have seen. I think if that could be given distribution all over the country, it certainly would be excellent. I don't know their plans about it.

Senator PURTELL. Thank you very much, Mr. Mann.

Our next witness, according to this list, is Mr. Durward Seals, traffic manager of the United Fresh Fruit and Vegetable Association.

Mr. SEALS. How do you do, sir.

Senator PURTELL. How do you do, Mr. Seals.

Mr. SEALS. Shall I proceed?

Senator PURTELL. You may proceed.

STATEMENT OF DURWARD SEALS, TRAFFIC MANAGER, UNITED FRESH FRUIT & VEGETABLE ASSOCIATION

Mr. SEALS. Mr. Chairman and members of the committee, my name is Durward Seals, and I am traffic manager of the United Fresh Fruit and Vegetable Association. This is a national trade association, with headquarters in Washington, D. C., having nearly 3,000 members, residing in all of the States, who are engaged in growing, shipping, packing, and distributing fresh fruits and vegetables. Because of the nutritive value of fresh fruits and vegetables, their necessity in a balanced diet and their importance as protective foods, they play an important part in the food supply of this Nation.

The growing population has caused more production and has thus necessitated more transportation service. The importance of this service to the national economy is perhaps best evidenced by the fact that fresh fruits and vegetables represent more than one-fourth of the total average per capita consumption of food in the United States.

We are opposed to the provisions of S. 1490.

The members of this association are very much concerned with regulations affecting motor carriers. There are some 500,000 to 700,000 carlot equivalents of fresh fruits and vegetables moving annually by motor truck. The exact figures as to the total movement of fresh fruits and vegetables by motor carrier, including certificated and private motor carriers, are not available, but it is a matter of common knowledge that a very large proportion of the tonnage of fresh fruits and vegetables is moved by the agricultural hauler.

I want to make it abundantly clear that this association is no less concerned over preserving safety and obtaining compliance with appropriate safety regulations than is the Interstate Commerce Commission and any of those who may be supporting this bill.

We are in favor of safety. We question, however, the effectiveness of S. 1490. We doubt that it will accomplish the objectives sought by the Commission. It is our understanding from testimony submitted by the Chairman of the Interstate Commerce Commission that the main objective of the bill is to promote complance with the Commission's rules of safety and hours of service regulations. However, it is not clear from the testimony or from the statements made at the hearing on March 20 by the proponents of the bill as to how this would be accomplished. We are of the opinion that such a regulation would merely increase the workload of the Commission and would unduly burden the private and exempt hauler.

I have read the testimony of Mr. George E. Vawter, traffic manager of the Sun Maid Raisin Growers of California who appeared on March 20 for the National Council of Farmer Cooperatives and would like to endorse that portion of his testimony wherein he suggested that a more sound approach to the problem would be through a voluntary program wherein the Commission would distribute its safety regulations through trade associations representing agricultural interests, industrial organizations, and organizations representing private and exempt carriers.

I have been authorized to state that the United Fresh Fruit and Vegetable Association would be happy to join in such a cooperative program.

It is my recollection that a former Commissioner of the Interstate Commerce Commission at one time recommended that the safety and hours of service regulations of the Interstate Commerce Commission be distributed through State bureaus of motor vehicle registration at the time the State issued the appropriate truck license. We believe that this suggestion has considerable merit and that such an approach would be more effective than S. 1490, and could be accomplished at a mere fraction of the cost of a program promulgated under S. 1490.

We believe S. 1490 is the wrong approach to the problem the Commission seeks to solve and we urge your committee disapprove it.

Senator PURTELL. Thank you, Mr. Seals. The reason I have no questions is because your testimony is similar in content to the testimony offered by other witnesses, and so any questions that I might ask you have already been asked others.

Mr. BARTON. Mr. Chairman may I ask a question?

Senator PURTELL. Yes, counsel wishes to ask a question.

Mr. BARTON. Would you have this work done through both organizations and the States? Are those alternative proposals, or would you use both the organizations and the States?

Mr. SEALS. No, as I recall yesterday, in the colloquy between the chairman and Chairman Clarke of the Commission, the chairman suggested, or implied, that a voluntary program would be desirable, to try it out for a while. My thought would be that we would work through the national trade associations, such as the American Farm Bureau organizations, the granges, National Council of Farmer Cooperatives, International Apple, National Industrial Traffic League,

and other national organizations who represent both people in the transportation field and in industry and agriculture.

Mr. BARTON. Would they distribute the safety regulations to their members?

Mr. SEALS. My understanding is they would not distribue the regulations, themselves, but a digest which would call attention to the pertinent parts of the regulations, and, of course, with instructions as to how the regulations, themselves, can be obtained. In that respect I might say that we, along with some of the other associations, from time to time do call our members' attention to the fact that they are subject to these particular regulations, safety regulations of the Commission.

Our primary concern is with the agricultural exempt hauler who operates under 203 (b).

Mr. BARTON. Would it suffice to acquaint your members with the fact that they are responsible and have them get their regulations in one place, the ICC, rather than get them from 48 State governments?

Mr. SEALS. As far as the members are concerned, with the operation of their own equipment, I do not believe that would be the problem. I believe most of them are cognizant of the fact that they are subject to those regulations, and they know they are put out by the ICC.

I believe the compliance they are trying to secure is for the exempt hauler who operates only under the hours of operation and safety, who is not subject to economic regulations, therefore has no direct contract with the Commission.

Mr. BARTON. That is all I have, Mr. Chairman.

Senator PURTELL. Since you refer to the colloquy that took place yesterday between the chairman and Chairman Clarke, I think that the chairman did express the thought—I am not sure that he expressed it as his consideration, but we are exploring every avenue—wondered if perhaps a period of time, let us say a year, might be employed, in which this voluntary plan might be tried out, and in which the various organizations might take it upon themselves to supply their various members with these regulations.

I don't think he made any firm commitment as to his being in favor of that.

Mr. SEALS. No, sir.

Senator PURTELL. But we are trying to find every reasonable way of solving the problems coming before us. That was just one of the suggestions made.

Mr. SEALS. I didn't mean to imply——

Senator PURTELL. I know you didn't. But I think the record ought to be clear.

Mr. SEALS. Thank you, sir.

Senator PURTELL. The next witness is Mr. Matt Triggs, assistant legislative director of the American Farm Bureau Federation.

Is Mr. Triggs here?

If Mr. Triggs isn't in the room, what about Mr. Richard G. May, vice president, maintenance and operations department, Association of American Railroads.

Mr. May, I think you have been waiting patiently to tesitfy, too, haven't you?

STATEMENT OF RICHARD G. MAY, VICE PRESIDENT, OPERATIONS AND MAINTENANCE DEPARTMENT, ASSOCIATION OF AMERICAN RAILROADS

Mr. MAY. Mr. Chairman, my name is Richard G. May, and I am vice president, operations and maintenance department, of the Association of American Railroads. My office is in the Transportation Building, Washington, D. C.

Prior to my election as vice president, operations and maintenance department, of the Association of American Railroads, on September 1, 1953, I had completed approximately 25 years of continuous service with the New York Central Railroad and its subsidiaries in various capacities. Starting in June 1939, when I was appointed trainmaster, and subsequent thereto, my employment was directly connected with railroad operations, and from May 1, 1949, to the present time, has been in both operations and maintenance.

I have reviewed the recommendations of Chairman Owen Clarke of the Interstate Commerce Commission in his letter to the Honorable Warren G. Magnuson, chairman, Committee on Interstate and Foreign Commerce, dated February 8, 1957, and the proposed bill and the justification regarding its adoption. The proposed legislation is contained in S. 1386.

The proposed bill would amend the safety appliance acts to require the Interstate Commerce Commission to prescribe, after hearing, rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes.

Mere statement of the purpose of this bill shows that it would give the Commission very broad new powers in a field which has heretofore been the province of the railroad managements. We believe that this grant of new powers is unnecessary and we urge that this committee give it no further consideration.

This bill goes on the assumption that railroad managements have failed to fulfill their obligations to provide safe operating equipment and to establish safe operating procedures. The Commission's justification, in fact, states flatly that we are either deliberately ignoring our rules respecting train and power brakes or are unable to enforce them.

Rules for inspection, maintenance, and repair of train brakes under which railroads operate at present, as well as any rules the Commission might issue if this bill were enacted, are all designed to promote safety of railroad operations. They have no other reason for existence. These rules are not an end in themselves but a means to an end, the end being of course safety of operations.

Senator PURTELL. May I inquire: Are the same rules and regulations obtained on all railroads?

Mr. MAY. No, sir; they are not.

Senator PURTELL. There is no standard set of rules, then, that have been set for maintenance, regulation, inspection?

Mr. MAY. For maintenance, we have in what we call our interchange rules which I will come to in my statement. There we have prescribed maintenance rules.

Senator PURTELL. These are suggestions?

Mr. MAY. No, those are mandatory rules.

Senator PURTELL. Mandatory rules established by your association?

Mr. MAY. By our association.

Senator PURTELL. And binding upon every member of the association?

Mr. MAY. That is right, for maintenance.

Senator PURTELL. Yes. Are all of the railroads members of your association?

Mr. MAY. All of the class I railroads presently are members, as well as the Canadian Pacific Railroad and the Canadian National in Canada.

Senator PURTELL. So that am I to understand, then, that these, in fact, are binding upon all railroads?

Mr. MAY. They are. They have agreed to maintain their equipment in accordance with our specifications as outlined in the interchange rules.

Senator PURTELL. What means have you available to determine whether this is being done or not?

Mr. MAY. Those are inspected by the receiving lines when cars are interchanged. They can refuse them in interchange if they do not meet the requirements. They have that privilege.

Senator PURTELL. All right. Now, this has to do with the maintenance?

Mr. MAY. That has to do with maintenance.

Senator PURTELL. And there are specific instructions; is that right?

Mr. MAY. That is correct.

Senator PURTELL. Have you a copy of those instructions?

Mr. MAY. I am sorry.

Senator PURTELL. Will you see that the committee is supplied with those regulations?

Mr. MAY. Yes, sir. I have a copy available.

(The material referred to will be found in the files of the committee. It is entitled "Association of American Railroads, Code of Rules for the Interchange of Traffic, Effective January 1, 1957".)

Senator PURTELL. Testimony has been given, Mr. Chairman, by Mr. May. He is on page 2 of his testimony, and he tells me that the association of which he is vice-president, the Association of American Railroads, have regulations and rules governing the maintenance; is that correct?

Mr. MAY. That is correct.

Senator PURTELL. Of what we are particularly interested in is this legislation?

Mr. MAY. That is correct.

Senator PURTELL. And that the railroads, Senator Smathers, all subscribe to these, and he says that they uniformly subscribe to them.

Mr. MAY. They are all members.

Senator PURTELL. Then do you also tell us that they uniformly live up to them?

Mr. MAY. Well, I would say this: They uniformly live up to them because, as an illustration, if you were to attempt to interchange a New York Central car to the Pennsylvania Railroad that did not meet the requirements as outlined in this book, the Pennsylvania Railroad could well afford to refuse to accept that car in interchange.

Senator PURTELL. Are these cars, foreign cars, that come on a line, inspected when they get on that line?

Mr. MAY. There are points in which cars are interchanged, that is small outlying points, that the cars are not inspected at the point at which they are interchanged. But they are generally inspected at the next terminal of the train.

Senator PURTELL. As a part of the inspection of the complete train?

Mr. MAY. As part of the inspection of the complete train.

Senator PURTELL. This appears to be at variance with some of the testimony we have received; you know that.

Mr. MAY. Very much so. I wanted to make it fully explanatory in my statement further.

Senator PURTELL. All right.

Mr. MAY. I had read that part of it down to where I said the rules for inspection, maintenance, and repair of train brakes under which railroads operate at present, as well as any rules the Commission issue if this bill were enacted, are all designed to promote safety of railroad operations. They have no other reason for existence. These rules are not an end in themselves, but a means to an end, the end being, of course, safety of operations.

Therefore, for the Commission's charges to be of any significance as justification for the authority requested in this bill, there would have to be a reflection of the alleged deterioration of railroad inspection and maintenance in the railroads' safety record. The fact is, as I will show later in my statement, railroad operations in this country are conducted at a very high level of safety, and there is no evidence that they have become any less safe in the past few years.

This is not to say that we don't have accidents. We do, and we are deeply concerned by every one. Some of them are unavoidable and would occur no matter what system of inspection and maintenance of brakes or any other equipment we followed. All of them subject us to heavy liabilities in the way of personal injury claims, damage to the property of others, damage to railroad property and adverse publicity. Entirely apart from humanitarian considerations, therefore, the railroads have a direct and major financial interest in safety of operations, which, we believe, is at least equal to any interest the Commission might have. This financial self-interest makes it imperative that railroad managements adopt, if practical, every new development that holds out any possibility for improved safety.

The proposed bill could delay the promulgation of satisfactory and sufficient rules providing for adoption of new devices, improvement in present power-operated brake systems, new methods of inspection, and new methods of repairing whereby the railroads would lose for long periods of time the benefits of much needed economies, improved efficiency, and even greater safety.

Senator PURTELL. Would you explain as to how this would happen.

Mr. MAY. Yes, sir. I think I could take perhaps a direct illustration.

We maintain in the Illinois Institute of Technology at Chicago a very large research center. We are now completing the third unit in that. We have spent several millions of dollars. And the purpose of that is research, that is to develop better components, better parts for railroad equipment, better rail, better ties, and all of the things used in the operation of a railroad.

One of the things in which we are particularly interested today is what we call the slack adjuster. That will be a device that will automatically adjust this piston travel. Supposing we had that today, and we had to go through lengthy hearings and procedures of rulemaking, and so forth, it may be years before we would finally be able to adopt it, and yet at the present time it is needed.

That would only be one illustration.

Senator PURTELL. Do you feel that the ICC would not be as interested as you or the railroads in finding a better way in which this safety can be assured? Don't you think that they would be interested in it?

Mr. MAY. They would be interested, but they don't have the means.

We maintain the laboratories, we have the contracts with suppliers, we have on our committees the technical personnel, the experts that know what is needed, and how to approach the subject, and I couldn't imagine that the ICC could set up the facilities for the development of components.

Senator PURTELL. I wouldn't think they would. But if they were developed and they were feasible, and would add to the safety, or even to the comfort of the people, don't you think if you approached them and said this is what we have, it is a new thing, it is an advantage to the railroads, don't you think they would go along and permit that to be used?

Mr. MAY. If you would say in your bill here that would be, but you say in the bill that that would be after hearings.

Senator PURTELL. I would assume that would be true.

Mr. MAY. Of course, that is a lengthy procedure as we are experiencing in some other cases now, where you start in with your informal discussions of it first, then prehearing conferences, then the date is set for hearing, and finally the long, lengthy procedure for adoption.

Senator SMATHERS. May I interrupt for a minute?

Senator PURTELL. Surely.

Senator SMATHERS. Do you mean to say that this bill says that a railroad should not make a new additional mechanical change that was an improvement without having a hearing?

Mr. MAY. I would say that there would be other interests at stake in this; yes.

If you came out today with an entirely new brake in which, let me say, the supply people, the Westinghouse Air Brake and New York Air Brake Co. have worked on what they call an A. C. valve portion. That is supposed to be an improvement over the A. B. brake. Now, the A. B. brake is only a trade name. It doesn't mean anything, it is a trade name just the same as A. C. is a trade now.

Now, I started out to use that as an illustration of how that might be adopted because the A. B. brake in itself was years from the time that it was developed. The American Railroad Association, which is the predecessor of the Association of American Railroads, spent considerable sums of money, much time and effort, in the development of satisfactory brakes.

Senator SMATHERS. Let me ask you this: I don't know that you answered my question. Did you? My question is this: You are implying that if this bill were passed that it would delay improvements; isn't that right?

Mr. MAY. Yes, because of the hearings.

Senator SMATHERS. Because of the hearings. Then you must say, thereby, that this bill, if passed, would not permit any railroad to make an improvement unless first it had hearings?

Mr. MAY. Essentially that is correct, that is my interpretation of it, that you are not going to adopt new devices, new methods, or anything, without hearing.

Senator PURTELL. But, Mr. Chairman, isn't it a fact that today you cannot adopt new apparatus? This bill only covers as I read it, "shall prescribe after hearings rules, standards, and instructions for the installation, inspection, maintenance, and repair of all power or train brakes." Now, as a matter of fact, you can't go ahead and use power brakes today unless they have been passed by the Commission; can you?

Mr. MAY. Well, of course——

Senator PURTELL. Unless they have been O. K.'d by the Commission.

Mr. MAY. Of course, the power brake was passed.

Senator PURTELL. Yes, but I mean they have authority in the field as to the equipment. This is a question of maintenance, repair, installation, of all power train brakes. Now, you wouldn't go ahead today, would you, and try to adopt a new means of braking trains without going to the Commission? You couldn't, could you?

Mr. MAY. Not a new means; no.

Senator PURTELL. That is what you are talking about, aren't you?

Mr. MAY. But you will develop new devices, new appurtenances, and so forth.

Senator PURTELL. But you can't put those on today unless you have clearance, can you, from the Commission, if they are to perform this braking?

Mr. MAY. Presently the Commission has no jurisdiction in this field.

Senator PURTELL. Now, let me get this right: Do you mean to say that you could change entirely your system of braking today and not have any action by the Commission?

Mr. MAY. I think the fair answer to that would be that the Commission, itself, after oral arguments on October 30th of last year, 1956, as to whether they had jurisdiction in this field, decided that they did not have.

Senator PURTELL. Mr. Chairman, I would like to ask the chairman of the Commission, because he is here, and what we are looking for are the facts.

What are the facts in that regard? Are the railroads permitted today to change if they wish to change braking means or methods without any action on your part?

Mr. CLARKE. Under our present authority, Senator, we have prescribed a certain type of brake that is required——

Senator PURTELL. That is right.

Mr. CLARKE. To be installed. However, as I understand it, the order which is now outstanding and applicable is broad enough to include not only the A. B. brake, but the A. C. brake that they are developing.

Senator PURTELL. But the point is they can't put on any type of brake they want unless the Commission feels it is a brake that will satisfy the needs?

Mr. CLARKE. That is right. It has to comply with our present minimum standards.

Senator PURTELL. Sure.

Mr. CLARKE. Before it can be installed.

Senator PURTELL. So that if they were today, if this law did or did not pass, and they were to bring out something new, they would have to get, I assume, approval of the Commission; is that correct, or else go to court to see whether or not the present power of the Commission would cover it; is that correct? Is that your understanding?

Senator SMATHERS. I think we ought to have a direct answer, Mr. Chairman. If you don't want to answer it—let us get your expert. Let us get something in the record. You shook your head, but it is hard for the reporter to get that.

Mr. LONGHURST. Howard Longhurst. I appeared yesterday. I am assistant director.

The Commission prescribed certain minimum functions that a power brake must do. Any brake that meets those minimum specifications is acceptable under the order. So the new brake, the A. C. brake, is acceptable and could be applied under Commission orders right now.

Senator PURTELL. So that this would not—let us get back——

Senator SMATHERS. Please answer Senator Purtell's question. If a railroad had a certain type brake, and they wanted to take out all their brakes and put in a new brake, they could not do that, that is, put the new brake in, until they had first proven to the Commission that it met the minimum standards; is that right?

Mr. LONGHURST. That is right. It would have to meet those minimum standards.

Senator SMATHERS. So in fact you do have minimum standards today? The whole purpose is you are trying to get some enforceable responsibility?

Mr. LONGHURST. That is right, sir.

Senator PURTELL. Now, getting back—I am getting a liberal education here.

The proposed bill could delay the promulgation of satisfactory and sufficient rules providing for adoption of new devices, improvement in present power-operated brake systems, new methods of inspection, and new methods of repairing.

If any of those things met the minimum requirements of the Commission we just heard about you are at liberty to go ahead and put them in use, aren't you?

Mr. MAY. I understand so.

Senator PURTELL. So how, then, would it interfere with these developments? How would it delay the promulgation as your testimony indicated?

Mr. MAY. My thought is that the real delay would be in just exactly the way that the recommendation is written. They would require the Interstate Commerce Commission to prescribe, after hearing, rules, standards, and instructions for the installation, inspection, maintenance, and repair of power brakes.

Senator PURTELL. Not on the power brake, itself, but the installation, maintenance, and repair. It would not be a determination of the power brake, itself, this bill?

Mr. MAY. No; it would not be the determination.

Senator PURTELL. That is right. So it would have nothing to do, then, with the development of new ideas; is that correct, so long as they met the minimum standard?

Mr. MAY. That is my understanding.

Senator PURTELL. That is right. So you can go ahead and develop all you wanted as long as they met the minimum standards; is that right?

Mr. MAY. You can go ahead and develop, as I get it, after hearing.

Senator PURTELL. I don't read it that way, but I may be wrong.

Senator SMATHERS. The bill says, I think, on page 9 that the Commission shall prescribe after hearing. Let me ask Mr. Longhurst this question: Does this refer to purported rules, standards, and instructions for installation. Not the determination of the type of equipment, but for the installation, inspection, and maintenance of it.

Mr. MAY. That is right.

Senator SMATHERS. Mr. Longhurst, let me ask you this question in light of this.

Mr. LONGHURST. Yes, sir.

Senator SMATHERS. Is it not a fact that the only hearing which you people would have with respect to the development of new brakes would be probably one hearing, one determination as to whether or not the XYZ brake had been developed, and whether or not it met minimum standards, and if it did meet minimum standards then thereafter any railroad, wherever it was located, whatever it might want to do, could put that brake in use if they wanted to; isn't that the way it would work?

Mr. LONGHURST. Mr. Chairman, we have already established minimum requirements for the brake, itself. The hearings, as I understand it, would be in the formulation of the rules, standards, and instructions for the installation, maintenance, and instructions for the installation, maintenance, inspection, and repair.

Senator SMATHERS. Once you had that hearing, then that would be applicable to all future installations? You don't propose to do as has been suggested here that on each new change you would have to have another hearing?

Mr. LONGHURST. No, sir. We would establish minimum requirements. Anything that exceeded those requirements would be most acceptable.

Senator SMATHERS. And if this gentleman's organization developed a new brake, which nobody had ever heard of before, out here in their research center, and brought it down and it met the minimum requirements, then would you have a hearing on that new brake to determine what would be the method of—or the standards of the installation of that new brake?

Mr. LONGHURST. No, sir; it could be installed in accordance with the minimum requirements or anything that was better than that. It would be most acceptable. Again it is minimum requirements is all we are after.

Senator SMATHERS. I can see what the witness' concern is, as to whether or not the language could be construed that there should be a hearing with respect to the—

rules, standards, and instructions of installation, inspection, maintenance, and repair of all power or train brakes, and such rules, standards, and instructions

shall remain the rules, standards, and instructions for the installation, inspection, maintenance, and repair of all power or train brakes, unless changed, after hearing, by order of the Commission.

In other words, what if we put in here—I guess maybe in trying to explain it more you might get it more confused. Just put minimum standards. Anyway, we are seeing what they are saying today. Now whether or not they would operate it that way, we don't know, but their indication is that they would not unnecessarily delay the installation of new equipment in a railroad car.

Senator PURTELL. May I explore that a minute because I think it is a very important point. May I ask the Chairman of the Interstate Commerce Commission a question? As I understand this piece of legislation you already have, as a matter of fact, the authority to set and you set minimum standards for brakes, is that right?

Mr. CLARKE. That is correct.

Senator PURTELL. Now what you are seeking in this bill is the right to, after hearings, establish rules, standards, and instructions for the installation——

Mr. CLARKE. For the manner of installation.

Senator PURTELL. That is right, for the inspection and maintenance, but not for the brake, itself.

Mr. CLARKE. No.

Senator PURTELL. You have already set those by your minimum requirements?

Mr. CLARKE. That is right.

Senator PURTELL. So they are presently a law, part of your regulations. That is my understanding of it.

Senator SMATHERS. Here is the thing that would concern me about it. If you had never seen the brake before, a brand new brake that had been developed, then it would be pretty difficult for you to set standards for installation of the new type of brake, say we are going to develop an atomic-powered brake.

Now in order to set the rules for the installation of an atomic brake, then, of course, you would have to have some hearing, would you not?

Mr. CLARKE. No, Mr. Chairman, it isn't necessary to hold a hearing on that. It is done now on an informal basis when they develop something new, and if there is a question in their mind as to whether or not it meets our minimum requirements, they merely confer informally with our staff people and when everybody is satisfied, they go ahead and put them in, without going through a formal rulemaking procedure or any other type of formal proceeding.

Senator PURTELL. Do they have some assurance that that is a finding of the Commission or are they doing it at their peril?

Mr. CLARKE. They are advised in writing by the Commission that we have no objection to this type of device.

Senator PURTELL. And that it meets with your requirements?

Mr. CLARKE. Yes, that it meets our minimum standards in the opinion of the Commission.

Senator PURTELL. That gives you the protection, then, doesn't it, that you require?

Mr. MAY. That cooperation has worked very successfully and for that reason, I see no necessity here of going on, as I will explain in here.

Senator PURTELL. Very well.

Mr. MAY. Before I discuss the safety record of the railroads, let me outline the history of the present rules relating to airbrakes to which the Commission has referred in its justification.

On page 3 of the justification reference is made to the procedure established in 1925 and subsequently followed for the formation of a code of rules for maintaining and testing airbrakes. Following is a review of the history of the adoption of what is known as the "AB" brake, which is the type universally used on freight cars of American and Canadian railroads.

I don't think I will belabor you with this history. It is in 2 or 3 times in other proceedings.

Senator SMATHERS That is right. We are interested in the future.

Mr. MAY. I have also referred to the code of rules which has been referred to by other witnesses, but I do want to put this in. Contained in this pamphlet, that is the red book which has been introduced as an exhibit here by Mr. Heiss——

Senator PURTELL. That is another book?

Mr. MAY. That is another book, the red book.

Senator PURTELL. That was introduced this morning?

Mr. MAY. Yes. But contained in that pamphlet are ICC inspection rules covering airbrakes and air signal equipment on steam locomotives and similar rules applying to locomotives other than steam. The rules are revised as service tests and improvements in appurtenances develop that intervals between cleaning and lubricating of some of the parts of the power brake system can be extended.

In addition to the Association of American Railroads' pamphlet covering maintenance of airbrake and air signal equipment on locomotives and cars, there are contained in the code of rules governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic, adopted by the Association of American Railroads, rules pertaining to the installation, cleaning and inspection of airbrake equipment of all cars offered in interchange. And that is the book which I have put into the record.

The rules governing maintenance of airbrake and air signal equipment on locomotives and cars, also include instructions for testing of train airbrakes and air signal systems.

I have described the evolution of the present rules in some detail in order to show that they represent long and painstaking effort on the part of both the Commission and the association. The effectiveness of these rules in the promotion of railroad safety, we think, is proved by the statistics published in the Commission's annual accident bulletins. These statistics are set forth in the accompanying exhibits, which I request be made a part of the record of this hearing.

Senator PURTELL. These rules pertaining to the installation, cleaning and inspection of airbrake equipment on all cars offered for interchange, these are rules that have been written, but is it your feeling that they are being observed?

Mr. MAY. On cars offered in interchange?

Senator PURTELL. Yes.

Mr. MAY. There hasn't been any testimony here to the extent that those rules are not being observed. Yes.

Senator PURTELL. We had testimony this morning that when trains are inspected we find from 5 to 9 percent of the cars defective on brakes.

Mr. MAY. That is covered at another place in my testimony.

Senator PURTELL. It certainly applies to these rules, doesn't it? In other words, you have rules as I understand it, promulgated by your association of which all railroads are members, is that correct?

Mr. MAY. That is correct, all of the class I railroads.

Senator PURTELL. All right. These rules call for cleaning and inspection of airbrake equipment on all cars offered in interchange, is that correct?

Mr. MAY. That is correct.

Senator PURTELL. So that all railroads are supposed to do this?

Mr. MAY. That is correct.

Senator PURTELL. I ask if it is being done?

Mr. MAY. My answer to that would be yes.

Senator PURTELL. But done on a voluntary basis, there is no penalty for not doing it, is there?

Mr. MAY. There is not any penalty for not doing it, but the railroad to which you offer that car can refuse it in interchange if it doesn't meet the rules that are outlined in what we call the interchange rules.

Senator PURTELL. Do you have any information as to how often they are refused because of this? Do you have any figures at all?

Mr. MAY. I don't have any information as to how often cars are refused, but let me tell you how that operates.

A railroad wouldn't turn back a loaded car if it can go ahead and deliver it to its consignee and then make the repairs that are necessary—which is provided for in the rules—and bill the owner for the repairs. Those are all covered in the rules, they are given that privilege.

Senator PURTELL. Is there much of that billing done?

Mr. MAY. Yes, an awful lot of it.

Senator PURTELL. On brakes.

Mr. MAY. Not so much on brakes, because, as a usual rule, when cars are what we call home-routed, or billed to home shop, there are other things wrong than the brake. The interior of the car——

Senator PURTELL. We are only concerned with brakes here.

Mr. MAY. We are only concerned with brakes. But I wouldn't make a definite statement as to how much of that is applicable to brakes because I have no record of it.

Senator PURTELL. But it would be outlined in the billing, wouldn't it?

Mr. MAY. Yes.

Senator PURTELL. Could you get any information as to how much of that really covers brakes?

Mr. MAY. I would have to look that up.

Senator PURTELL. Would you do that?

Mr. MAY. I will have to make a study of it. I will do that.

Senator PURTELL. Would you make it a part of the record and send it to the committee?

Mr. MAY. Yes.

Senator PURTELL. This would indicate how much attention is being paid to these rules by the receiving railroads?

Mr. MAY. That is correct.

In the 10-year period, 1946–1955, the latest such 10-year period for which detailed statistics are available, train accidents due to defects

in power brakes and appurtenances have been held to a remarkably low level.

As can be seen in exhibit No. 1, total car-miles averaged 34.6 billion while train accidents averaged only 44 per year.

(The table referred to is as follows:)

EXHIBIT No. 1

Train accidents due to defects in power brakes and appurtenances, railways all classes—Years 1946–55

Year	Total car-miles	Total train accidents	Total persons		Employees on duty		Passengers on trains	
			Killed	Injured	Killed	Injured	Killed	Injured
1946	35,211,686,826	71	----	38	----	14	----	24
1947	36,728,341,721	51	----	6	----	5	----	1
1948	35,923,190,014	29	----	----	----	----	----	----
1949	32,163,931,274	32	----	10	----	8	----	1
1950	33,820,061,797	37	3	2	3	2	----	----
1951	35,305,505,981	52	----	4	----	4	----	----
1952	34,640,811,476	53	1	8	1	8	----	----
1953	34,719,638,255	38	2	46	2	8	----	30
1954	32,426,154,588	26	----	----	----	----	----	----
1955	34,744,103,112	49	----	4	----	2	----	2
Average 1946–55	34,568,342,504	44	0.6	12	0.6	5	----	6
Per billion car-miles (10-year period)	----	1.27	0.02	0.35	0.02	0.14	----	0.17

Source: Annual accident bulletins, table 65, and other published reports of Interstate Commerce Commission.

Senator PURTELL. Are you speaking now of all types of accidents or accidents to passenger carriers?

Mr. MAY. No, these are all types of train accidents.

Senator PURTELL. What is considered an accident?

Mr. MAY. For several years it was where the damage was $150 damage to the equipment or the lading. Then that was raised to $375, and the first of this year, went to $750.

Senator PURTELL. It doesn't entail personal injury by property damage?

Mr. MAY. Property damage.

Senator PURTELL. To your carriers or anyone else?

Mr. MAY. That is right. I explain that on page 7.

Senator SMATHERS. When you make these assertions like average 34 billion miles, only 44 accidents per year, you don't dispute the statistics which have been offered here by the ICC and by Mr. Heiss, for example, where they point out that in certain checks which they have made, they find defective brakes?

Mr. MAY. I have that in the statement, my explanation of what they call defective.

Senator SMATHERS. All right.

Senator PURTELL. You may think we are picking on you too much, but this is so important, I think in the deliberations.

Mr. MAY. Why did I pick the 10-year period 1946 to 1955? That was immediately following the war and our equipment generally was pretty much worn, and so forth, and we started a rehabilitation program at that time.

In other words, during these 10 postwar years there was an average of only 1.27 train accidents per billion car-miles from the aforemen-

tioned cause. Few industries can point to a comparable record. The record as to fatal and nonfatal injuries during this same period is even more impressive. On a per-billion-car-mile basis, only 0.02 persons were killed and 0.35 persons were injured. Records for employee and passenger casualties are also shown in exhibit 1. It might be pointed out at this juncture—see exhibit 2—that train accidents from all causes numbered 15,556 in 1946, of which 71 were caused by defects in power brakes and appurtenances. In 1955, only 49 of 8,716 train accidents resulted from that cause.

EXHIBIT No. 2

Total train accidents and train accidents due to defects in power brakes and appurtenances, railways of all classes, 1946–55

Year	Total train accidents	Train accidents due to defects in power brakes and appurtenances
1946	15,556	71
1947	16,816	51
1948	11,893	29
1949	8,597	32
1950	10,211	37
1951	11,077	52
1952	10,085	53
1953	8,976	38
1954	7,497	26
1955	8,716	49

Source: Annual Accident Bulletins, I. C. C.

Senator SMATHERS. What was your definition of a train accident again?

Mr. MAY. That is the next paragraph.

Senator SMATHERS. All right.

Mr. MAY. In considering these statistics of train accidents due to defects in brakes and appurtenances, you should be aware that (1) a "train accident" is defined by the ICC for statistical purposes as an accident arising from train operation that causes minimum property damage ranging from $150 to $375, depending on the year, the reason, "depending on the year" is in there, is due to the changes that have taken place, and (2) many of these accidents come about through sudden train stops that occur because the brakes operate automatically upon failure of an appurtenance and not through failures of the brakes to function as intended.

I would like to take just a moment to explain what I mean there. Supposing you have a burst air hose which causes an automatic application of the brakes of the train. While that is a failure of the air hose, certainly it acted as you intended it to act because you want the brakes to operate and function properly at the time that you need them to operate and function properly, so that you would nullify all of your improvement if you overcame the bursting of an air hose and it did not stop your train and let you know something was wrong with your braking system.

The overall railroad safety picture in the postwar years, 1946–55, has shown steady improvement as can be seen from exhibit 3. Considering first all persons in all classes of railway accidents, fatalities

have been reduced by 38.9 percent while injuries are less by 46.5 percent.

(The table referred to is as follows:)

EXHIBIT No. 3

Casualties to persons in train, train-service, and nontrain accidents, railways of all classes, years 1946–55

Year	All persons		Employees on duty		Casualties per million man-hours		Passengers on trains		Casualties per 100 million passenger-miles	
	Fatalities	Nonfatal injuries	Fatalities	Nonfatal injuries	K	I	Fatalities	Nonfatal injuries	K	I
1946	4,362	52,007	672	38,325	0.19	10.32	103	4,618	0.16	7.13
1947	4,165	48,797	709	35,732	.19	9.50	65	4,156	.14	9.04
1948	3,768	43,091	568	30,857	.16	8.30	43	3,518	.10	8.53
1949	3,307	32,111	403	22,104	.13	6.91	26	2,498	.07	7.11
1950	3,398	33,255	358	21,763	.13	7.18	173	3,350	.54	10.54
1951	3,358	34,437	395	23,343	.14	7.33	142	3,134	.41	9.05
1952	2,926	29,986	352	20,536	.12	6.83	12	1,992	.04	5.85
1953	2,930	29,199	306	19,385	.11	6.61	43	2,467	.14	7.79
1954	2,475	25,539	208	16,518	.08	6.45	21	2,181	.07	7.44
1955	2,667	27,832	252	18,322	.11	7.08	17	2,211	.06	7.75
Percent decrease 1955 under 1946	38.9	46.5	62.5	52.2	42.1	31.4	83.5	52.1	62.5	[1] 8.7

[1] Increase.

Source: Annual Accident Bulletins, ICC, Summary No. 21.

Mr. MAY. Casualties to employees on duty and to passengers on trains show similar trends. In the case of employees, fatalities are down by 62.5 percent while injuries have been reduced by 52.2 percent.

Senator PURTELL. These percentages are arrived at by taking the same number of billions of miles? How do you arrive at that?

Mr. MAY. No, these are the number of accidents that I am referring to here.

Senator PURTELL. Yes.

Mr. MAY. In other words, what we have taken here, as shown on exhibit 3 is: In 1946 we had nonfatal injuries to all persons of 52,007. In 1955 nonfatal injuries to all persons was 27,832; 27,832 is 46½ percent less than 52,007.

Senator PURTELL. Are these tied up in any way with either the number of miles covered now? Percentages don't mean a thing unless you tie them up with some base.

Mr. MAY. Well these are the number of accidents. Of course, I have explained the billions of car-miles that we operate.

Senator PURTELL. Have they changed substantially between 1946 and 1955, the billions of car-miles?

Mr. MAY. No. In 1946 the total transportation was 35,211,686,826 car-miles. That was all passenger and freight trains.

Senator PURTELL. 35 billion, I see it.

Mr. MAY. In 1955 the total was 34,744,103,112.

Senator PURTELL. I see that.

Mr. MAY. I don't have that percentage figure of reduction.

Senator PURTELL. I know what you are getting at. That is all right. It wouldn't affect it materially.

Mr. MAY. No.

Casualties to employees on duty and to passengers on trains show similar trends. In the case of employees, fatalities are down by 62½ percent while injuries have been reduced by 52.2 percent.

For passengers, fatalities are less by 83.5 percent while injuries are down by 52.1 percent.

Let me mention one final consideration on the subject of railroad safety. Railroad managements are responsible for the overall safety of railroad operations. Power brakes are an important part of the railroad safety picture—but so are automatic block signals, centralized traffic control, durable rails, ballast, ties, bridges and many other elements that combine to keep the railroads running.

Railroad managements, using stockholders' money and devoting attention and investment to all these complex factors, have compiled an enviable overall safety record. If complete control of one of these elements—such as power brakes—is handed over to a Government commission, no matter how good its motives, there is real danger that safety of overall operations will decrease. Passage of S. 1386 would establish unnecessary rigidity and require the expenditure of effort and money by the railroads that might better be spent, though it could not be, on other matters that are of at least equal importance in railroad safety.

On page 5 of the Commission's justification it is stated:

> The records of the Commission indicate a progressive deterioration of train brake inspection and maintenance practices. It is therefore apparent that the carriers are either unable to enforce their own rules or are deliberately ignoring minimum requirements for safety.

Senator PURTELL. May I go back a little bit? Where you say if complete control of one of these elements such as power brakes is handed over to a Government commission, no matter how good its motives, there is real danger that safety of overall operations will decrease.

You say that this would establish unnecessary rigidity. Well now, does it necessarily follow? You tell me that right now you have a set of regulations governing the maintenance, the installation, and so forth of power brakes that you are living up to, is that right?

Mr. MAY. That is right.

Senator PURTELL. Why would it follow—you are rigidly conforming as I understand, or attempting to, to this set of rules?

Mr. MAY. We will be told when, where, and how to inspect trains that are already made up.

Senator PURTELL. But aren't you already, if you have this set of rules that you tell me your association has, isn't there a degree of rigidity there, or what good are the rules?

Mr. MAY. Yes, there is a degree of rigidity, because I think all railroads, all that I am familiar with their practices, are making a real effort to inspect their trains at what we call an initial terminal.

Senator PURTELL. You feel then the difficulty is not so much rigidity, I don't want to put words in your mouth, but the fact that this regulation will come from without instead of within?

Mr. MAY. That is right, and you will be compelled to make inspections that are not necessary and doing many things that today railroad management has found by practice—and the safety records show that their practice is safe.

Senator PURTELL. Do you feel that the ICC, if empowered to set up these regulations, would be more unreasonable about it than reasonable men?

Mr. MAY. I would say that there would perhaps be other interests that would be at work in the thing. You heard the testimony this morning where it is claimed that we don't have enough inspectors, we don't have enough inspections, that we are operating trains of a length that you can't maintain pressures on the rear ends.

I would say that they would be influenced by outside interests, yes.

Senator PURTELL. Well, if those influences were simply to see that regulations wer promulgated and that they had the authority to see that those were enforced by inspection, what harm would come to the railroads if these statements that were made this morning were not true, were in fact, exaggerated or these conditions did not exist, what harm would be done to you? The railroads would in fact be conforming to what they claim they are now conforming to, the set of standards?

Mr. MAY. Each railroad as of today might, through its experience and its performance, decide where and how certain train inspections will be made, and they have found that to be a safe procedure through those experiences and some of them are doing that.

Senator PURTELL. In other words, that is based on reason, is it, and on safety?

Mr. MAY. On safety, yes.

Senator PURTELL. Do you have any reason to believe that those same factors would not be considered by the ICC in determining the rules?

Mr. MAY. I would hope that if this should come about that we would—that that would be considered, I should hope so.

Senator PURTELL. All right.

Senator SMATHERS. In theory, see if this makes any sense in theory to you: What you people say is, to give a rather inapt illustration, is to say that cities that want to have a car inspection on automobiles, and have policemen to check every now and then and see that a car has a sticker, just for the general safety of the community, what you people are saying is that you think it ought to be better left to the individual car operator, on the basis of free enterprise and freedom from regulation, that it ought to be left to each individual person, themselves, to determine whether or not the brakes on his car were good enough?

Because after all, the fellow driving his own car is liable to get hurt, it costs him money because it is uneconomical to have a wreck. So, therefore, let's not have any policemen in effect, let everybody agree to do this. Is that about the same thing that you are talking about?

Mr. MAY. No, because the railroads provide their own right-of-way, buy their own equipment.

Senator SMATHERS. Well, people buy automobiles, they buy their own cars and other things. The principle, I understand, behind the ICC request is this: You ask us to regulate these people to some extent and provide certain rules and regulations with respect to safety and yet you don't give us any authority to require any annual or semi-

annual or monthly inspection. And there is no penalty if they don't do it. You say to us do this and then you give us no strength or power or authority to see that people do it.

Mr. MAY. Mr. Chairman, this isn't a question of annual or semi-annual inspection. This is a question of—let's take the ordinary run of a freight car where it is pulled off from an industrial siding and moved over into a terminal where it is made up into a train, at what we might call the initial terminal.

That train, then, is inspected through the procedures that are outlined of making your brake application and inspectors walking over the train to see that the brakes have applied.

Senator SMATHERS. These are inspectors of the railroad?

Mr. MAY. These are inspectors of the railroad.

Then the signal is given for release of the brakes and they walk over the train to see that the brakes are released. If all of the brakes are released and no defective equipment found, that train goes on its way.

Now, it might go a hundred miles and have this inspection all over again, this same type of inspection.

Senator SMATHERS. Of course, the testimony we have already states that frequently they run these inspections and find that there are some faulty working of the brakes and the trains still go out.

Mr. MAY. That is true. You do get in the stopping of a train, after it has operated over the railroads, you do get what we term in railroad language as a false piston travel.

Now, your wheels are going around and the brake applies down here in the lower half of the wheel and it has a tendency to drag that wheel brake rigging down to the rail and it pulls out the rod attached to the piston that actuates this brake.

If you release that brake and reapply it at a different position on the wheel, that is its normal position, then you don't have that false piston travel.

Senator SMATHERS. You are getting into a technical matter which I don't know too much about.

Mr. MAY. That is correct.

Senator SMATHERS. I am just saying as a general rule, that usually when you give to an agency, any agency such as the police, who are policing the highways, the responsibility you don't deny them the power to enforce that responsibility, do you?

Mr. MAY. That is correct. But, on the other hand, I would say this: Could you give a regulatory body the authority to which all your rules and then not hold them responsible for your service, your net income, how you spend your money, and so forth.

Senator SMATHERS. We give to the CAA the right today to set up minimum standards for every one of the mechanics that work in an airport.

Senator PURTELL. We do to ICC in many fields.

Senator SMATHERS. They do it today. They don't find it intolerable, we do it for one sole reason, to protect the riding public. While we don't say this is always true. The comptroller is often anxious to make the money, but his desire should not be so great that he may endanger somebody's life. We are thinking about the general public.

Mr. MAY There isn't anything in this safety record of railroads

that I have related to you that shows that there is any deterioration or any necessity for any change.

Senator PURTELL. We did have testimony today, I think you sat here and heard it, that on these spot inspections the trains showed all the way from 4.5 percent, up to 9 percent defective equipment.

Mr. MAY. May I go on with page 9 and that will explain something different than that.

Senator PURTELL. Yes, all right.

Mr. MAY The statistics I have just outlined prove that our safety record is outstanding. Accordingly, even if statistics of a certain character should indicate that fewer brake inspections are being made by the railroads and more cars with defects are being detected, the figures would be of no basic significance because there would be no proof whatsoever that train accidents increased at the same time, and no proof of a casual relation between the reduced inspections and maintenance on the one hand, and accidents on the other.

Senator PURTELL. Except to the extent we found these defective brakes in these trains, they would tend toward creating accidents, would they not? Or would you say that the inspections that you have applied to yours are too rigid, then, or the standards you have set?

Mr. MAY. The standards that we have set for inspection allow for, let's say, the tolerances in which you can live. Up until 1924, the railroads had adopted generally the rule that a piston travel will not be less than 6 inches, will not be more than 8 inches. The safety appliance laws say that a car will not be considered defective unless the piston travel is in excess of 10 inches.

So more or less to find a reasonable area in which to adjust your piston travels and so forth, the AAR in working in cooperation with the Interstate Commerce Commission adopted the principle of a 7- to 9-inch travel for pistons.

Senator PURTELL. Voluntary?

Mr. MAY. Voluntary. While the law still is 10 inches, that is.

Senator PURTELL. All right.

Mr. MAY. So that there is an area there in which you can work and in which all of the railroads know what is required in the way of piston travel.

Senator PURTELL. Which is less than 10 inches?

Mr. MAY. Which is less than 10 inches.

Senator PURTELL. That is right.

Now let me ask this question then: Do you feel that the inspection that revealed these spot inspections by ICC, that revealed these defective brakes existing in from 5 to 9 percent of the cars on a train, that those standards by which the determination was made that they were defective were more rigid than the ones you set yourself?

Mr. MAY. No.

Senator PURTELL. So that if you inspected them, applying your same rules, you would have found them defective, too?

Mr. MAY. What happened in that case was this, that up until the latter part of 1953 the inspectors of the Bureau of Safety made no reports on anything, that I would say less than 10 inches of the Safety Appliance Act. But starting in the latter part of 1953, as explained in this statement, they began then policing the red book rule which said 7 to 9 and began calling cars defective of 9¼ inches.

Senator PURTELL. But you yourself would agree if they were anything over 9 they would be defective.

Mr. MAY. No.

Senator PURTELL. Didn't you agree that these would be the standards that would be adhered to?

Mr. MAY. We said it was an ideal which to work toward. The safety appliance rules still are in effect as to 10 inches.

Senator PURTELL. I am mixed up now. In other words, you said these are standards that should be set but we can't live up to them.

Mr. MAY. No, we said these are minimum standards. In other words, these are the standards.

Senator PURTELL. And you agreed to 9 inches?

Mr. MAY. We agreed 7 to 9.

Senator PURTELL. You said there was a minimum standard, from 7 to 9 inches?

Mr. MAY. Yes, in effect we said that.

Senator PURTELL. If you found they are going 9½ to 10 inches on piston travel, would you say that they are not defective?

Mr. MAY. No, they are not defective.

Senator PURTELL. O. K.

Mr. MAY. Nine and a half inches piston travel is not defective. I think you must understand the theory of how an airbrake operates to know that. Even 10 inches may not be defective. In fact, a 10-inch piston travel under high pressure is a lot more defective brake than a 9-inch piston travel under low pressure.

Senator PURTELL. Let's forget the piston travel. Were these inspections conducted by ICC by using standards that you, the railroads, had subscribed to with the ICC?

Mr. MAY. After 1953, but not——

Senator PURTELL. All right. These inspections were made subsequent to 1953?

Mr. MAY. Yes, but it changes——

Senator PURTELL. Were they more rigid than what your rules called for?

Mr. MAY. No.

Senator PURTELL. So the defects were found as according to the set of rules that you found were minimum rules?

Mr. MAY. We don't call them defects.

Senator PURTELL. Now then, we are getting down to it. You disagree with the standards set by the ICC as to what "defect" means?

Mr. MAY. I don't disagree with the standards set by ICC as to what "defect" means.

Senator PURTELL. Do you say if you inspected them, using the same set of standards, you would not have found the percentage going from 5 to 9 percent?

Mr. MAY. That is explained why there has been an increase in the number of cars that they have reported as defective, because until the latter part of 1953 they stuck to the more than 10 inches as being defective. Then starting in the latter part of 1953, they begin saying over 9 inches is defective and they did find a lot of cars in that area between 9 and 10 inches.

Mr. PURTELL. I think I would like to develop that if you don't mind.

Commissioner Clarke—now you have got me guessing. Commissioner Clarke, were the inspections that you reported this morning or yesterday or whenever this was reported in which you found defective brake equipment of from 5 to 9 percent, were these inspections carried out using as the standard the same standard that was agreed to between the railroad associations and your Commission?

Mr. CLARKE. Yes. We used the minimum standards of the AAR.

Senator PURTELL. So that if anybody, whether you did it or an independent agency or the railroads did it, using that same set of standards, these would have been found defective?

Mr. CLARKE. That is right.

Senator PURTELL. You disagree with that, Mr. May?

Mr. MAY. I disagree with the term that 9¼ inches is a defective brake.

Senator SMATHERS. I have been scanning through his statement. What he does say later on is they call them inefficient.

Mr. CLARKE. That is right.

Senator SMATHERS. They don't call them defective, even though they had apparently agreed with the Commission earlier that something was wrong with the brake if it went over nine, but they won't go so far as to say now it is defective, they just want to say it is inefficient.

It is sort of like one having a 101° temperature, he is sick, but not sick enough. He says maybe it ought to go to 103, although a doctor would ordinarily say 101 is above normal.

Mr. PRINCE. Mr. Chairman, my name is Gregory Prince, general solicitor of the Association of American Railroads. Hearing this interchange, I wonder if I might inject myself in the interest of trying to clear up something that seems to have resulted in some confusion.

Senator SMATHERS. Go right ahead.

Mr. PRINCE. I would like to ask the witness to correct me if I am mistaken, too. But as I understand it, in the red book, the only place where it has reference to this 9-inch piston travel as the maximum that is to be accepted is in connection with the description of the testimony at initial terminals of trains, and it says, under paragraph 27:

> **Piston travel of body-mounted brake cylinders which is less than 7 inches or more than 9 inches must be adjusted to normally 8 inches.**

Now, my understanding of that—pardon me, I am a layman and I may not understand it——

Senator PURTELL. You are talking to laymen up here.

Mr. PRINCE. My understanding of that is that if at the initial terminal before the train goes out you make an inspection and you find that it is below 7 inches or above 8 inches, then that train should not go out without having it adjusted to the ideal of 8 inches. But by no means does it mean that a brake is defective, on the course of a run, if the piston travel should exceed 9 inches. I think we do get into some differences of view.

Our feeling is that perhaps there has been more attention paid to form than substance in this matter. They are concerned with brake inspections and what they turn up as defects in brakes. We think the thing that is controlling in this is what has happened from the standpoint of safety.

In other words, inspections are a means to an end, not an end in themselves.

Senator PURTELL. That is right.

Mr. PRINCE. We feel that when through, their statistics show that greater defects to be found on the brakes of the railroads, beginning in 1954, mind you—this is not a gradual deterioration, it suddenly jumps between the years 1953 and 1954—reflecting not a deterioration in our brake inspection, not a deterioration in our safety, but a change in their method of designating defects.

Now, we think that this safety record as set forth in exhibit 1 is an outstanding safety record and that is the real end toward which we are all directing our efforts. And we feel that a great deal of attention should be paid to that aspect of it.

Senator SMATHERS. Let me ask the Chairman of the Commission: When you conducted these inspections and filed these statistics, and you found this increase in what we call for convenience purposes, defective brakes, is that at a starting point, an initial point, or the makeup point?

Mr. MAY. Initially terminal.

Senator SMATHERS. Initial terminal point; yes. Were those statistics which you filed made at the initial terminal point so that you could say that these defective brakes actually show that the piston was traveling either more or less than from 7 to 9 inches?

Mr. CLARKE. I will ask Mr. Longhurst to answer that.

Senator SMATHERS. Sir, all right.

Mr. LONGHURST. These statistics that we had would include that, but would also include some so-called intermediate terminals.

Senator PURTELL. But the figures I referred to, if I recall correctly, and I may be wrong, the 5 to 9 percent was in fact at the point of origin, and the 9 percent was at the terminal point, is that correct?

Mr. LONGHURST. That is correct, the one was departing trains, the other was arriving trains, that is correct, sir.

Mr. MAY. I would like to have that matter cleared up.

Senator PURTELL. After all, all we are looking for again are the facts. Aren't we sort of batting about on a matter of semantics? What we are interested in is will it stop a train and will it stop in the required distance or will it perhaps have a drag in the rear end or in the front end and will it cause those accidents where the rear end collides with the front end because of inefficient brakes in the latter end of the train? I don't care whether you call it inefficient or defective. I think the important thing is does it function the way it is supposed to function?

Mr. MAY. Our record shows pretty clearly that it does.

Senator SMATHERS. Mr. May, how near the end are you?

Mr. MAY. I am at page 9. I could complete this approximately in the next 13 minutes, which is 4:30 on your clock.

Senator SMATHERS. Thirteen minutes. In other words, it would take you 13 minutes to cover 5 pages?

Senator PURTELL. Mr. Chairman, I feel this way, that we have heard a great deal of testimony from these people who are in favor of the bill. Mr. May had been here patiently waiting, for some while, to testify. There might be other questions I might want to ask you, Mr. May. I am quite willing to come back here after the quorum call

which you have just heard and explore the matter further, if that is your wish.

Mr. MAY. I would be very glad to do that.

Senator PURTELL. Frankly, I think we owe it to you in a way.

Senator SMATHERS. All right. We will do that. We will have to recess while we cast a vote.

(Short recess.)

Senator PURTELL. You may proceed if you wish to, Mr. May.

Mr. MAY. I am at the top of page 9.

The quoted conclusion is apparently based on the inspection statistics set forth at page 4 of the Commission's justification. We do not wish to burden this committee with a multitude of details about brake inspections but we do think it important to analyze the figures on which the Commission apparently based its conclusions.

The inspection data contained at page 4 of the justification are taken almost word for word from the latest annual report of the section of railroad safety of the Commission's Bureau of Safety and Compliance (p. 2). In this connection, I may point out, without further comment, that the justification, in paraphrasing one sentence from the report, omits a portion of the sentence that we think of great importance with reference to the safety of our operations. This can best be shown by the following parallel quotations, the omitted language being italicized.

In justification it reads:

> During the fiscal year ended June 30, 1956, the Commission's inspectors made train-brake inspections on 2,484 trains, consisting of 117,399 cars, before departing from terminals.

In the report it read:

> During the year, airbrake tests were made on 2,484 trains, consisting of 117,399 cars, prior to departure from terminals, *and brakes on 117,247 cars, 99.9 percent of the total, were operative.*

In its justification the Commission goes on to say that its inspections of these 117,399 cars mentioned in the passages just quoted disclosed that 8,007 cars had airbrakes that were inoperative or inefficient. There is no way of telling how many of these cars the Commission considers to have had "inoperative" brakes or how many were considered merely "inefficient." It is clear, however, that relatively few of them were inoperative, since the report of the Bureau of Safety, quoted above, shows that only 0.1 percent of the total cars inspected before terminal departures had inoperative brakes; and the justification itself admits that 97.9 percent of the cars inspected on arrival at terminals had operative brakes.

It is evident, therefore, that the great majority of the Commission's 8,007 examples of "poor safety" performance were cases of "inefficiency." The distinction is of considerable importance because whether or not a brake is operative is a question of fact; whether or not it is "efficient" is a matter of opinion.

The clue to the Commission's basis for this opinion can be found at the bottom of page 4 of its justification, where it speaks of brakes "with impaired efficiency due to excessive piston travel."

The relation of piston travel to brake "efficiency" is a controversial subject. For many years prior to 1953 the Commission's inspectors passed pistons which did not travel in excess of 10 inches. This was—

and still is today—entirely in accordance with the Commission regulations adopted under the Safety Appliance Acts. Beginning in late 1953, however, the Bureau of Safety took informal administrative action, not based on any Commission order, and directed its inspectors thereafter to pass only those pistons that did not travel more than 9 inches.

The 9-inch rule conforms to the AAR rules I have mentioned, but the interpretations of the rule by the Commission and the railroads differ greatly. The Commission chooses to regard 9½-inch travel as per se "inefficient" despite the fact that it is within the limits of the Safety Appliance Acts. The railroads, on the other hand, regard the 9-inch rule as merely expressing the ideal under average conditions and do not concede that 9½-inch or 9¾-inch piston travel results in an "inefficient" brake. Indeed, a piston with 10-inch travel, operated under high pressure, may actually be more efficient than a piston of 9-inch travel operated under lower pressure.

Senator PURTELL. Do you cover in your testimony information relative to the air available at the end of a train and a caboose, let's say, and the forepart of a train, one of the forward cars, such as was testified to this morning?

Mr. MAY. I have not gone into that in my testimony.

Senator PURTELL. You haven't?

Mr. MAY. No.

Senator PURTELL. You are confining this almost entirely, this portion of it to the question of pistons. Of course, the pistons are not the only reason for these cars being marked inefficient or defective.

Mr. MAY. They were in the Commission's report, yes.

Senator PURTELL. Was it only on the basis—am I correct Mr. Clarke, in saying that the figures you have given us were predicated entirely upon cars that were found with piston difficulties, or were there other factors?

Mr. CLARKE. There were other factors. That was just one.

Senator PURTELL. That was one of many?

Mr. CLARKE. Yes.

Senator PURTELL. I just wanted to get that clear.

Mr. MAY. If this difference of viewpoint were no more than that, I would not trouble this committee with explaining it. It appears to be, on the contrary, the basis on which the Commission rests its charges that our brake maintenance program is in the midst of "progressive deterioration" and that we are "deliberately" ignoring safety standards.

The Commission's evident reliance on piston travel to support its charges of deterioration is indicated by exhibit 4, which summarizes the Bureau of Safety's own inspection reports for the last 10 years.

Senator PURTELL. May we examine that exhibit 4?

91289—57——19

(The table referred to is as follows:)

EXHIBIT No. 4

Air brakes tested at time of arrival at terminals

Year ended	Number of trains on which air-brake tests were made	Number of cars tested upon arrival at terminals	Number of cars on which brakes were found operative	Percent of total
June 30—				
1947	1,450	74,307	72,755	97.9
1948	1,444	77,817	75,905	97.5
1949	1,427	77,307	75,547	97.7
1950	1,530	85,135	83,236	97.8
1951	1,347	75,179	73,482	97.7
1952	1,368	78,553	76,986	98.0
1953	1,368	76,839	75,488	98.2
1954	1,684	98,005	[1] 96,251	98.2
1955	1,572	94,971	[2] 93,363	98.3
1956	1,588	96,962	[3] 94,879	97.9

[1] 6,609 or 6.8 percent were of impaired efficiency due to excessive piston travel.
[2] 7,171 or 7.6 percent were of impaired efficiency due to excessive piston travel.
[3] 8,867 or 9.1 percent were of impaired efficiency due to excessive piston travel.

Mr. MAY. You will note in the statistics that starting with 1954 in the fourth column, number of cars on which brakes were found operative, that we have explained the notation down below. "6609, or 6.8 percent were of impaired efficiency due to excessive piston travel."

Senator PURTELL. These are your conclusions or the Commission's?

Mr. MAY. These are the Commission's conclusions.

Senator PURTELL. 6,609 in "A" out of 96,251, or 6 percent, were of impaired efficiency due to excessive piston travel, is that right?

Mr. MAY. Yes, sir, that is correct.

Senator PURTELL. So that of those number of cars on which the brakes were found operative—is that inoperative? Should that be inoperative?

Mr. MAY. Were found operative. No, they found them operative.

Senator PURTELL. They found them operative?

Mr. MAY. In other words, they show that they inspected 96,261 cars on which they found the brakes operative.

Senator PURTELL. I see. Now, where, then, do you tie in your "A", 6609, or 6.8 percent were of impaired efficiency due to excessive piston travel. What is that tied up with?

Mr. MAY. That is in the Commission's report.

Senator PURTELL. In other words, what you are telling us that the Commission found them operative but that 6.8 percent were of impaired efficiency, was that it?

Mr. MAY. That is correct, due to impaired——

Senator PURTELL. But they were still operative?

Mr. MAY. Still operative.

Senator PURTELL. I see.

Mr. MAY. The element of impaired efficiency due to excessive piston travel is not even mentioned except in the years following the 1953 administrative change in piston inspection procedure. In other words, it does not appear in any of the reports prior to that time.

Exhibit 4 also shows another fact of importance: The percentage of operative brakes on terminal arrivals has never been less than 97.5. That was in 1948.

It is manifest that the safety of railroad brakes in terms of operability has been extremely high throughout those 10 years and the suggestion that safety has been impaired by the factor of excess piston travel is hardly justified when most of the "defects" attributable to that cause are within the limits of the Safety Appliance Acts.

The general use of diesel motive power in recent years has added a new brake to the existing power brakes that has materially assisted in improving railroad safety. This is the dynamic brake, which operates on the principle of converting diesel traction motors to generators and dissipating the energy developed through the grids. This provides braking power of an effectiveness directly proportionate to train speed and permits braking without the necessity of clasping wheel treads with conventional brake shoes, thereby eliminating the possibility of overheating or cracking the wheels. In effect this is equivalent to shifting a moving automobile from high gear to second and allowing the compression of the engine to slow the car.

Another recent development providing for greater safety of train operation is a device for maintaining air line pressure which works in conjunction with the dynamic brake. This device stabilizes air pressure throughout the train and thus permits an equal performance of airbrakes on each car. The dynamic brake thus constitutes an additional factor in safe control of train speed.

Senator PURTELL. In light of the testimony that we had this morning, and this afternoon, may I ask a question as to what percentage of your trains are equipped with this dynamic brake?

Mr. MAY. The nearest estimate I could make on that is about 65 percent.

Senator PURTELL. Sixty-five percent?

Mr. MAY. Sixty-five percent. Many of the railroads in the early stages of buying diesel locomotives did not buy, did not realize the benefits of dynamic brakes, and they did not order their equipment. as such. Some of them have recently started on a program of installing them.

Senator PURTELL. You heard this morning or this afternoon, I become confused at times as to when the testimony is given, of these drops in air-line pressures between the front of the train and caboose, on a freight train. Is it your opinion—it may not be at all—that if this was the condition that existed it was because they did not have these dynamic brakes?

Mr. MAY. No, that would have nothing to do with the dynamic brake.

Senator PURTELL. I didn't think it would. But we did have—you speak now of maintaining air-line pressures.

Mr. MAY. That is correct, by what we call the flat maintainer. That is a railroad term, "flat maintainer," whereby the engineman on the locomotive can make a reduction of a predetermined poundage in his air pressure. say 15 pounds, and that will be 15 pounds. In other words, it will be maintained.

Senator PURTELLL. That is used in conjunction with your dynamic brakes?

Mr. MAY. Yes.

Senator PURTELL. To what do you ascribe these apparent droppages in air-line pressures that we heard about today, which causes the rear of the train to collide with the front of the train?

Mr. MAY. Well, you have a certain amount of leakage in your train lines, I won't say at each of the points where the hoses connect, but you do have leakages in those due to worn gaskets, and things of that kind. Most every railroad in its own rules recognizes that you are going to have less pressure at the rear end of a train due to leakage than what you will have at the head end where your——

Senator PURTELL. But your safety regulations provide for a minimum at the rear end of the train.

Mr. MAY. Some railroads write their rules as to 10 pounds difference, a tolerance of 10 pounds difference between the locomotive and the caboose.

Senator PURTELL. Then do they have a minimum for the locomotive?

Mr. MAY. Generally, I would say that railroads——

Senator PURTELL. Ten pounds doesn't mean a thing if you have 20 in the front and 10 in the rear.

Mr. MAY. No, on freight trains they are working on a 70-pound pressure. Some of them that have studied the necessity of higher pressures, and I mention the Pennsylvania as one—recognizing that leakage—has gone to 75 pounds.

Senator PURTELL. To give a minimum of, say, 60 or 65 to the rear end?

Mr. MAY. They are providing for tolerance of 15 pounds on the rear end of the train.

Senator PURTELL. Fifteen pounds. I see.

Mr. MAY. A further statement appears on page 5 of the justification:

> In the past the railroads have generally cooperated with Government inspectors in the administration of the Safety Appliance Acts. Recently, however, several instances of lack of such cooperation have been reported. Our inspectors have been deliberately prevented from making train brake inspections at certain terminals. This has been done by not providing the inspectors the opportunity to make their inspections, or by permitting the trains to depart before their examinations of the train brakes have been completed, notwithstanding that delays resulting from such inspections are trifling.

Senator PURTELL. In other words, are you telling me now that the ICC inspectors or representatives objected to the delay that would be occasioned by the need for inspection?

Mr. MAY. No. The ICC is telling us that in their justification.

Senator PURTELL. I see what you mean. You are quoting them now.

Mr. MAY. Yes, I was quoting them.

Senator PURTELL. I was wondering how they could have interfered.

Mr. MAY. This assertion rests on factual details that are not available to me and that I have had no opportunity to investigate. But even assuming that the facts as stated are true, "several instances" of poor cooperation would seem to constitute a very insubstantial reason for enactment of a law establishing Commission authority over the power brakes of the entire industry.

I may also mention the delays caused by inspections that the Commission dismisses as trifling. Delays as long as 5 hours from this cause have been reported to me and delays of between 1 and 1½ hours

are not rare. Such delays are not trifling. They impair our service, entail premium payments to train crews and increase our general cost of doing business.

Senator PURTELL. Are these delays occasioned by the time required to make the inspection, or because defective or inefficient equipment was found, and they wouldn't permit the train to proceed?

Mr. MAY. The one that was called to my attention was the case of where the inspector found long piston travel, asked them to switch it out of the train. When the train was put back together he went out and found another one, and switched it out of the train. Before they were through——

Senator PURTELL. Let me stop you there. Was the second one he found the replacement car?

Mr. MAY. No, it was not, a different car.

Senator PURTELL. In other words, it was in the train when he first inspected it?

Mr. MAY. All of the cars that he asked them to remove from the train were in the original makeup of the train.

Senator PURTELL. All right. He asked them to remove one?

Mr. MAY. Yes.

Senator PURTELL. They removed it, the train tried to proceed, and he said no, there was another one in there?

Mr. MAY. No, they put the train back in there and he continued his inspection.

Senator PURTELL. So he hadn't completed his inspection?

Mr. MAY. No, after each car there was a switch out.

Senator PURTELL. I see. Would you suggest in that case just for my own information, and maybe for the Commission's information, that it would have been well if they had inspected all the cars before ordering one switchd out?

Mr. MAY. Just let's say common courtesy, they should have.

Senator PURTELL. What is the usual practice?

Mr. MAY. To inspect all of the train and give them a list.

Senator PURTELL. Mr. Clarke wishes to say something.

Mr. CLARKE. We never ask them to remove a car from the train. We merely call it to their attention. That is as far as we have the right to go.

Senator PURTELL. Do you forbid the movement of the train?

Mr. CLARKE. No, sir.

Senator PURTELL. In other words, you couldn't have told them that they couldn't proceed?

Mr. CLARKE. That is right.

Senator PURTELL. You simply call their attention to the fact that this car is in your opinion, or in the inspector's opinion not properly braked?

Mr. CLARKE. That is right.

Senator PURTELL. We are not going to enter into a debate. Is that your understanding?

Mr. MAY. I am only too glad to stay here as long as you want to, this is a very important case to us.

Senator PURTELL. I know it is. Since you are telling about these 5-hour delays, how could they be occasioned if they lack authority to stop your train or order a car shaken out of a train?

Mr. MAY. That only reflects good cooperation of the railroad industry, that they are ready to give when these are called to their attention.

Senator PURTELL. They lack the authority to forbid you to proceed. So how can you blame them for a 5-hour delay? You elected to do it, didn't you, because they called it to your attention?

Mr. MAY. That is right.

Senator PURTELL. O. K.

Mr. MAY. Such delays are not trifling. They impair our service, entail premium payments to train crews, and increase our general cost of doing business.

For example, agreements with labor unions provide for additional pay at initial terminals in cases where train departures are later than the time that crews are notified when reporting or called to report for duty. Likewise, at final terminals of the crews if trains are held out or delayed from entering the final terminal additional payments must be made to crew members. Certainly delays of 5 hours and 3 hours that result in late delivery of cars to connections and inability to use power as scheduled cannot be considered trifling.

Senator PURTELL. Let us go back again. These delays are occasioned, I understand, by the inspector for ICC informing the railroad people that these cars are defective according to their inspection?

Mr. MAY. That is right.

Senator PURTELL. Whatever action is taken from then on is taken by the railroad and without any order from the ICC; is that right?

Mr. MAY. Well, I wouldn't say that all of the inspectors on the railroad know the authority really of the ICC, Federal inspectors, that is. I would expect that the majority of the inspectors, that if a Federal inspector came up to them and said "You have a car back there with a defective brake," he would see to it that that car was switched out or at least somebody's attention called to it.

Senator PURTELL. But the inspector couldn't do it anyway, your trainmaster or yardmaster would be the fellow.

Mr. MAY. The yardmaster.

Senator PURTELL. The yardmasters would know the scope of their authority, wouldn't they?

Mr. MAY. They are supposed to be familiar with it.

Mr. PRINCE. Would you permit me to make just one remark here, Senator?

Senator PURTELL. Sure.

Mr. PRINCE. Since you are trying to get to the facts in this matter.

Senator PURTELL. That is right.

Mr. PRINCE. It seems to me one answer to your question that should be called to your attention is regardless of whether we feel that that is a defect or not, if they call it to our attention, and then we deliberately take the train out, it becomes a violation, and we are going to be subpected to fine. So that is a very good reason why the train is delayed.

Senator PURTELL. It is very important.

Mr. CLARKE. Just one more word on that, excessive piston travel is not a violation.

Senator PURTELL. Piston travel is not a violation?

Mr. CLARKE. No.

Senator PURTELL. You don't know why they were set out? Let's proceed. I just wanted to clear up the fact—that is a very important contribution, that many times you fear not pulling the car out because if you don't you feel that you might be charged with a violation; is that it?

Mr. MAY. That is correct.

Mr. PURTELL. Then we have to find out what are violations. The chairman says this question of the pistons is not a violation.

Mr. MAY. I had some reports this morning where nine and a half piston travel was reported as violations on one of our member roads. I will put that in the record.

Senator PURTELL. We won't get into that particular case.

Mr. MAY. The concluding paragraph of the justifications for amendment to the Safety Appliance Acts states:

> The industry's self-imposed rules have not produced the desired results.

We are willing to let the safety record speak for itself.

To summarize, we believe you should be aware of the following:

1. The AAR and its predecessor association have spent 35 years of time and considerable sums of money to develop an adequate and satisfactory brake for freight cars. The cooperation of the Bureau of Safety and the AAR mechanical division committees in formulating rules for maintenance and inspection of train brakes has in the past been satisfactory.

2. Passage of S. 1386 would give the Commission jurisdiction over a legitimate field of managerial discretion where management has compelling motives for maintaining the highest degree of safety and efficiency. Managements would thereby be precluded from adopting brake safety devices prompted by their need to improve safety without the necessity of long hearing proceedings and the attendant delays that are associated with administrative procedures.

3. Passage of S. 1386 would inject more regulation into an already over-regulated industry without justification and would prevent the exercise of initiative and acceptance of responsibility of management in an important area of operations.

4. There is no necessity for passage of S. 1386. The safety record of the American railroads, particularly as related to train and power brakes, is excellent.

Senator PURTELL. Mr. May, 1954 was a year of declining business?

Mr. MAY. Yes.

Senator PURTELL. Yes. Did you at that time lay off quite a number of your maintenance men or men that would normally make these inspections?

Mr. MAY. Men that would normally make the inspections?

Senator PURTELL. Yes, these necessary inspections.

Mr. MAY. I heard that referred to this morning. For economic reasons necessarily you reduce your operating costs.

You did lay off repair track forces; you laid off car repair forces. Inspectors usually assigned in train yards for inspections are assigned for inspections.

Senator PURTELL. Yes.

Mr. MAY. Now, if it is at a very small terminal they may make repairs such as bolting on a grab handle, or something like that. But

at major terminals inspectors are inspectors, as you know from your own railroad experience.

Senator PURTELL. Mine is very limited. It is a long while ago.

Off the record.

(There was a discussion off the record.)

Senator SMATHERS. Let me ask you this question: If this bill were passed—just for a hypothetical situation—and if ICC were reasonable in setting up their standards with respect to piston operation, with respect to installation requirements, and things of that nature, it would not cost the railroads who are now operating within certain of these reasonable requirements, it would not cost them anything additional, would it?

Mr. MAY. We don't know. We don't know what they would term reasonable.

Senator SMATHERS. I am just saying what you and I would term reasonable. In other words, if we can be satisfied that they would set up reasonable standards of inspection, of installation, and so on, and if the railroad, as you say today—they have got a pretty good picture, and with that we agree—and if ICC does not make too rigid a regulation, why, then, of course, you people could operate very much as you are operating today, because you are running a good operation, because you are not violating anything, in essence, as you have agreed on here. If the Commission's rules were somewhere pretty reasonable themselves then it would not require any additional personnel on your part, any additional expense, would it?

Mr. MAY. I would be unable to answer that. My fear of the whole thing would be that it would be very costly, and I look at it this way: That it is an invasion into just one segment of your operation.

Senator SMATHERS. I might even agree with that. It might be an invasion of it. But just on the matter of expense, and with respect to the number of personnel, if, as you and I would agree, if those standards which the ICC sets were not too rigid, but were reasonable insofar as the railroad is concerned and the general public is concerned. then because you are already operating very safely and very efficiently with what you have it wouldn't require you to hire unnecessarily any additional men or to go to any great extra expense in order to meet those regulations, would it?

Mr. MAY. You are speaking now, of course, of the appliances that you put on the car?

Senator SMATHERS. We are speaking of just what it says here: The rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes, that is all.

Mr. MAY. Inspection is the thing that concerns me.

Senator SMATHERS. That is right. Whether they have reasonable rules of inspection. Say everything is reasonable, it is a case of whether we are reasonable or not. And if we could agree—I don't say we are going to agree, I don't think you fellows and the ICC are probably going to get together on what is reasonable. But if we could do it reasonably, then it wouldn't mean a great deal of additional expense, would it? That is the first point I want to bring out.

Mr. MAY. I couldn't give a fair answer to that without a survey of what has been past practices, and——

Senator SMATHERS. Your colleague (Mr. Prince) is standing up.

Mr. PRINCE. I will take a shot at that, if you will permit, Senator.

I will say this: Take the premises that you outlined, no, it probably wouldn't cost any undue amount of additional expense to the railroads. But you may be sure that it would cost more than our doing the job without somebody standing by and telling us how and when and what to do. And our feeling is that if we are doing the job, and measured by the only thing which we think we really should be concerned with, and they should be concerned with, the end result of safety, not the means.

True, there are going to be disagreements over the means and how many times you should inspect, how often you should inspect. There will be differences of opinion as to what is an efficient brake. I am sure that, with all good faith, there is a difference of opinion on such matters as that.

But look at the end result of safety. That is what we are trying to achieve. I think that exhibit 1 is one——

Senator SMATHERS. You are not answering my question. I am sure that even your good client there could have answered this question that way if I had let him. But I didn't let him. I said, answer me with respect to the required number of personnel, and the additional expense, if we could agree on what was a reasonable standard for the inspection and the maintenance and the installation of power brakes. You already make inspections, that is what I gather from what you are saying. So if they have reasonable rules, if you people aren't very far apart, then it wouldn't mean very much, except on the thought it might be an invasion of managerial responsibility. So why beat me over the head with a club when we are already doing something?

Mr. PRINCE. Generally speaking, we cannot quarrel with that. I think you have outlined premises that any reasonable person would agree with that conclusion.

Senator SMATHERS. I don't know that the railroads and the ICC would get together on what you both could agree was a reasonable set of rules.

Mr. CLARKE. On that score, Mr. Chairman, I would like to say that I am quite sure we could get together, because the Commission considers the AAR's own rules as reasonable. They are perfectly satisfactory to us.

Senator SMATHERS. In other words, what you are saying is that you would be willing to take the AAR rules with respect to maintenance, and so on, but what you want them to do is actually inspect them?

Mr. CLARKE. We want the rules to be complied with, we want them to live up to them. The rules, themselves, are fine.

Senator SMATHERS. You say why should we live up to the rules, because we are already living up to them. What do you say, are they living up to them?

Mr. CLARKE. In our opinion, they are not.

Senator PURTELL. They have the responsibility, as a matter of fact, to see that these things are done, they lack the authority to set up standards for their doing it. Now, if the Commission has indicated, as they have through their chairman that the rules that you, yourselves, the members of your association, agree are reasonable, and you also

say you are living up to them, what particular objection could you have if those were adopted and the Commission was given simply the authority to see that these rules were in fact lived up to? What would be the objection, other than the intrusion of Government into another field?

Senator SMATHERS. That is where he gets to make that speech. Now, make it.

Mr. PRINCE. Can I make it again?

Senator SMATHERS. That is where he gets to make his speech about the invasion of managerial discretion and all that sort of thing.

Senator PURTELL. I tried to anticipate by putting that last sentence on.

Senator SMATHERS. Go ahead, Mr. Prince.

Mr. PRINCE. You have helped me make it, sir, but I will say that there could be honest disagreement over the enforcement of these rules, where they could insist on inspections made at much shorter intervals than we think is necessary in the interest of safety in light of the agreement that has taken place in the brakes, and the manner in which they are made, and the manner in which they operate. They operate better than they used to, and perhaps, we think that these rules could be changed, could be modified to permit us greater leeway than they now permit us.

I doubt that the Commission would agree to that. Certainly the men would not want to agree to that because they feel that the inspections, naturally, they feel the inspections are important. They are interested in the job of doing the inspections. We can understand that. And that would account for a difference of opinion on the importance and the necessity for those inspections.

Senator PURTELL. Certain types of workers, but that wouldn't affect your trainmen, conductors, engineers, your firemen. They aren't interested in that job because that isn't one of the crafts that they work at.

Senator SMATHERS. What you are saying, though, is that you think that what some of the labor organizations may be wanting in effect is to create more frequent inspections so that more men would be hired? In just plain, bald language, that is what you are saying, is it not?

Mr. PRINCE. That is right. That is quite an understandable thing. I don't quarrel with them at all about that.

Senator SMATHERS. That is right.

Mr. PRINCE. But I think that explains a good deal of the difference of opinion between us and them on this matter.

Senator SMATHERS. That might be true as far as the labor organizations are concerned, but you don't believe the ICC is anxious to have you go out and hire additional people, do you?

Mr. PRINCE. No, I wouldn't say that. But I do think that we attach different importance to what I call the means to the end rather than the end. I don't think the Commission would be guilty of that. We think we have got a fine Commission. But I bring you right back to what I think is the end result, which I think we have a fine record, insofar as brake performance is concerned. My feeling is that where you have a record as good as that, that is not the time where you should give greater authority to some governmental agency to tell you how to do the job. That is about what it comes down to in the final analysis, it is getting somebody to tell you how to do this job.

Senator PURTELL. Isn't it rather an incongruous situation where they have the responsibility of enforcement but they lack the responsibility or the authority to prescribe standards? That is the situation they find themselves in.

Mr. MAY. But the safety record is so good why do we add anything else to it?

Senator PURTELL. If you are going to go on safety records alone I would say remove the responsibility of the law because you say there is no need for it; is that right?

Mr. MAY. There is no need for it.

Senator PURTELL. So you really would say, your remedy would seem to me would be since they have the responsibility of enforcing, but not the authority to promulgate and prescribe standards, then I would think that your remedy lies in having this whole law wiped off about enforcing, then.

Mr. PRINCE. I don't think we would go so far as that.

Senator PURTELL. Why do you think the law is necessary?

Mr. PRINCE. I think they have got sufficient authority. I think they are exercising it. And by the exercise of the authority they now have they have helped us to achieve this good record.

Senator PURTELL. By the authority of enforcing?

Mr. PRINCE. They do some enforcing.

Senator PURTELL. But they can't prescribe?

Mr. PRINCE. That is right. They can't tell us exactly how we should do this job. We think that that is the authority that they don't need. They will be able to prescribe rules and standards, we won't be able to change them.

Senator PURTELL. Would you say that this table of performance that you show there, that the ICC is in part responsible for this very fine table of safety record because of their power to enforce?

Mr. PRINCE. That is a pretty hard thing to answer. But I would say they contributed.

Senator PURTELL. I want to find out what significance you attach in the safety field to the operation of ICC.

Mr. PRINCE. I would say we are terrifically interested, ourselves, and the record would not be greatly different, but I have no doubt that, as in all matters, you might tend to slip a little if there wasn't somebody there to jack you up on some things. I think that the Commission serves a useful function. But I certainly don't think that they have made a case for more authority and the power to tell you how to do this job.

Senator PURTELL. Would you agree with me, that if it probably keeps you on your toes to know they have the power of enforcement, that it might also have a tendency to keep you on your toes if they set the standards that you had to live up to?

Mr. PRINCE. I wouldn't think that it would be worth the cost.

Senator PURTELL. I think now we are getting into a point where we are not developing any new information.

Mr. PRINCE. No, sir.

Senator PURTELL. So I think maybe we had better drop it. I want to thank Mr. May.

Senator SMATHERS. I think you have done a fine job. You have certainly demonstrated that there is a second side to this picture, and one which we will have to consider very thoroughly.

Mr. MAY. I would like to amplify what Mr. Prince said.

Mr. PRINCE. May I just say thank you for permitting me as a non-scheduled witness to express myself.

Senator SMATHERS. We always like to have anybody who can make a contribution.

Mr. PRINCE. Thank you.

Senator PURTELL. Before you leave, have you any figures at all in answer to a question I asked this morning as to the number of people engaged in inspections this year as compared with any previous year, and also the number of train lines or the number of cars in operation?

In other words, we can get a comparative picture of what the situation was on the staff to inspect as related to the number of cars to be inspected in any previous year, and in 1956?

Mr. MAY. We would have to develop that from the railroads because there isn't anything in the statistics that are compiled by the AAR that would show the number of employees engaged in any specific scope of work such as inspection.

Now, there is in the trainmen, enginemen, and so forth, you have that.

Senator PURTELL. Yes.

Mr. MAY. But you do not have it for inspectors.

Senator PURTELL. Would we be able to get it from one railroad to indicate a trend?

Mr. MAY. Yes.

Senator PURTELL. It would be helpful to us if we got it, Mr. Chairman.

Senator SMATHERS. It will be made a part of the record.

(The information requested is as follows:)

ASSOCIATION OF AMERICAN RAILROADS,
OPERATIONS AND MAINTENANCE DEPARTMENT,
Washington, D. C., April 3, 1957.

Hon. GEORGE A. SMATHERS,
United States Senate, Washington, D. C.

DEAR SENATOR SMATHERS: The attached supplemental statement with respect to S. 1386 is submitted by the Association of American Railroads pursuant to permission granted at the hearing on this and other bills held March 21, 1957.

At the hearing, we were requested to develop information as to (1) the number of inspectors employed by one or more railroads during a recent period and the freight-train miles during the same period, and (2) the amount of billing by one or more railroads for repairs to brakes and brake equipment of foreign cars in accordance with AAR interchange rules. This information is contained in the exhibits and is part of the supplemental statement.

Copies of this letter and attachments are being forwarded to each member of the subcommittee and to the chairman of the Interstate Commerce Commission.

It is desired that this letter and attached statement be made a part of the record of the hearing on S. 1386.

Yours very truly,

R. G. MAY, *Vice President.*

SUPPLEMENT TO STATEMENT OF RICHARD G. MAY, VICE PRESIDENT, OPERATIONS AND MAINTENANCE DEPARTMENT, ASSOCIATION OF AMERICAN RAILROADS

This supplemental statement is offered to supply information requested by the Senate Subcommittee on Surface Transportation during the hearing on S. 1386 on March 21, and as rebuttal to certain statements made by Commissioner Owen Clarke, Chairman of the Interstate Commerce Commission, and Mr. Harold C. Heiss, counsel for Railway Labor Executives' Association and Brotherhood of Locomotive Engineers, in their prepared statements which were presented at the hearing.

The subcommittee requested that the AAR develop, if possible, (1) information showing the number of inspectors employed by one or more railroads during some representative period in order to permit comparison of the trend of employment of this craft and train-miles during the same period, and (2) the extent of billing by one or more railroads for repairs to brakes and brake equipment of foreign cars in accordance with the AAR code of rules governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic.

Average number of freight-car inspectors per month for the years 1954, 1955, 1956 is shown for the C. & O. Railway; while the number employed as of March 1 for the years 1954, 1955, 1956, and 1957 is used to show employment of car inspectors on the Pennsylvania. The Santa Fe report shows the average for the first 6 months of each of the years 1954, 1955, 1956. The average freight-train miles per month for the corresponding periods are also shown. This information is summarized in exhibit 5 attached. Each railroad has increased its force of inspectors over the period covered.

As an indication of the extent to which foreign lines are billed for repairs to "AB" brakes in accordance with the rules governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic, the records of the Pennsylvania Railroad were used as representative of the eastern territory and the Atchison, Topeka & Santa Fe as representative of the western territory. The Pennsylvania Railroad owns 9.9 percent and the Santa Fe 5 percent of the total ownership of freight cars of the class I railroads.

Exhibit 6 shows the amount for which the Santa Fe billed other roads for repairs to their car brakes during the first 6 months of each of the years 1954 to 1956, inclusive, while the amount billed other roads by the Pennsylvania covers the entire years of 1954 to 1956, inclusive. It could be reasonably estimated that for the industry as a whole, the individual railroads bill foreign lines for repairs to "AB" brakes in accordance with the interchange rules a total in excess of $5 million annually and that 130,000 cars are repaired by other than owners.

Exhibit 7 shows the amount of both freight and passenger traffic for each of the years 1946 to 1955, inclusive. It should be noted that freight traffic in each of the years 1947, 1948, and 1951 exceeded the traffic of 1955 while the revenue-passenger-miles show a gradual and constant decline.

The following portion of this supplemental statement is in rebuttal to some statements made by Chairman Owen Clarke of the Interstate Commerce Commission. On page 27 of the statement of Chairman Clarke, reference is made to the formulation of a code of rules for the maintenance and testing of air brake equipment. On page 28, it is stated: "This code represents minimum requirements, but neither the Commission nor the association has any authority to require its adoption, or to enforce compliance."

The code of rules adopted in 1925 deals primarily with the method of inspection of train brakes. The code of rules governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic, adopted by the Association of American Railroads, sets forth the rules as to the maintenance and responsibility of car owners of both freight and passenger cars offered in interchange.

Rule 2 (a) reads as follows: "Cars (whether loaded or empty) having defects in violation of the safety appliance acts, should not be offered in interchange." Thus the receiving line may refuse to accept any cars on which safety appliances are not properly maintained.

Rule 2 (k) includes the instructions to the receiving line when cars are rejected, and reads as follows: "In rejecting cars account having defects in violation of the safety appliance acts, per section (a), or on account of being improperly loaded, per sections (b) and (c), also in rejecting defective empty foreign cars, all the defects objected to must be designated with ink or black indelible pencil on return cards of the form shown on page 311, and placed on both sides of car."

At the hearing Chairman Clarke introduced as exhibits nine accident reports of the ICC (see p. 37, item III). It is of the utmost importance that consideration be given by the subcommittee to the Commission's findings in these cases. We quote below pertinent findings and conclusions from each of these cases which demonstrate that in almost every instance there were glaring *man* failures. In 7 of the 9 cases, it is perfectly clear from the Commission's reports that *there were no failures whatever in brakes or appurtenances or in brake*

inspection or maintenance procedures (i. e., Ex parte 200, Rept. No. 3600, Rept. No. 3720, Rept. No. 3625, Rept. No. 3537, Rept. No. 3524, Rept. No. 3639). [Italic added in quotations.]

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(*Duplicate material which appears previously in the transcript is designated by a line of asterisks* (*)).

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Ex Parte No. 200

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ACCIDENTS AT SWAMPSCOTT AND REVERE, MASS.

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Report No. 3600

BOSTON & MAINE RAILROAD IN RE ACCIDENT AT NASHU, N. H., ON NOVEMBER 12, 1954

No conditions were found in any of the inspections or tests which would have caused the brakes of any of the equipment of this train to become inoperative. The brakes of the train were last used at South Manchester and they functioned properly to control the speed of the train. Under these circumstances, it appears that the speed of the train would have been properly controlled at the point of accident if braking action had been initiated a reasonable distance before reaching the point at which the speed restriction applied.

CAUSE

This accident was caused by excessive speed on a curve.

* * * * * * *

Report No. 3720

THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO. AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. IN RE ACCIDENT AT PRINCEVILLE, ILL., ON NOVEMBER 2, 1956

At the time the accident occurred the engineer of work extra 1268 had had approximately 8 months' experience as an engineer, and he was making his first trip as an engineer over the line on which the accident occurred. He has previously worked in this territory as a fireman, but he had not made a trip over this line during a period of about 10 years. The fireman had been employed in this capacity during a period of aproximately 4 months, and neither he nor the front brakeman had made a sufficient number of trips over this line to become thoroughly familiar with the physical characteristics.

CAUSE

This accident was caused by failure to operate the Chicago, Rock Island & Pacific train in accordance with signal indications.

* * * * * * *

Report No. 3625

WESTERN MARYLAND RAILWAY CO. IN RE ACCIDENT NEAR PINESBURG, MD., ON APRIL 25, 1955

CAUSE

This accident was caused by failure to provide adequate protection for the preceding train.

* * * * * * *

Report No. 3537

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. IN RE ACCIDENT AT FAIRFIELD, IOWA, ON OCTOBER 5, 1953

CAUSE

This accident was caused by failure to operate the C. R. I. & P. train in accordance with signal indications.

* * * * * * *

Report No. 3568

THE NEW YORK CENTRAL RAILROAD CO. IN RE ACCIDENT NEAR POST, IND., ON JANUARY 15, 1954

CAUSE

This accident was caused by insufficient braking effort on rear car to stop car short of forward portion of train after train became separated.

* * * * * * *

Report No. 3524

THE NEW YORK CENTRAL RAILROAD CO. IN RE ACCIDENT AT NEHASANE, N. Y., ON MARCH 22, 1953

CAUSE

It is found that this accident was caused by failure to obey a meet order.

* * * * * * *

Report No. 3639

THE NEW YORK CENTRAL RAILROAD CO. IN RE ACCIDENT AT NORWOOD, N. Y., ON JUNE 17, 1955

CAUSE

This accident was caused by a train entering an occupied siding at an excessive rate of speed.

* * * * * * *

Chairman Clarke states on page 33, "At Knoxville, Tenn., on August 9, 1955, a train consisting of 156 cars, including locomotive, contained one car with cutout brake, 24 cars with inoperative brakes (including 19 with 12-inch piston travel) and 18 cars with excessive piston travel from 10 to 11½ inches. Thus 43 out of the 156 cars or approximately 28 percent of the cars had defective airbrakes." On its face, the Commission's report offered by Chairman Clarke as exhibit V (*a*), page 37, directly contradicts this and shows that a total of only 6 cars were not controlled by air, and that 96 percent of the cars had operative brakes.

The report offered as exhibit V (*a*) designates this as an arriving train. The Southern Railway advised that some of the cars reported defective were picked up on line of road where they had been placed for loading or unloading. Obviously that condition developed en route and after passing through the last terminal.

Chairman Clarke in discussing the condition of this train at Knoxville on August 9, confuses the issue by treating the matter of cutout and inoperative brakes and some instances of excessive piston travel as one and the same thing. On inbound trains there is a phenomenon known as false piston travel which results from the pull of the car wheels on brakeshoes. When brakes are applied to a moving train, the tendency is to pull the shoes toward the under part of the wheels and this results in piston travel in excess of normal. When the brakes are released and reapplied, the measurements of piston travel can be considered normal since the shoes are then at a normal location on the wheels. This condition cannot be changed by the adoption of any rules. There is no doubt that some of the "excess piston travel" found by the inspectors resulted from this cause. Item V covers exhibits of airbrake inspection reports made at various terminals. In every instance except (*g*) the inspection was of arriving trains at intermediate terminals.

Chairman Clarke states at page 32 that reports covered by his exhibit V were random selections. It is worth noting that the Knoxville, Tenn., case listed as

V (*a*) on page 37 actually was the worst instance in the Commission's own reports on Southern for the last five years. The Bulls Gap case V (*e*) was similarly not representative. This is of importance since the exhibits should reflect average conditions when actually they represent some of the very worst conditions found in 5 years.

The Commission's official report including the Southern Railway Co. for the 5-year period 1952–56 shows that for this 5-year period a total of 3,703 cars of 266,709 cars inspected in arriving and departing trains were found to have either inoperative or allegedly inefficient airbrakes or an average of 1.38 cars per 100.

The Commission's own report to Southern for the 5 years 1952–56 on inspection of departing trains only show that out of a total of 473 trains, 22,366 cars inspected, only 8 cars or 0.017 of a car per train or 0.04 of a car per 100 cars were shown in the reports as having brakes inoperative. This near perfect 5-year record clearly indicates the lack of need for the legislation which Chairman Clarke would have this committee think is so urgently needed.

On page 33 reference is also made to inspection of a train at Cleveland, Ohio, on October 4, 1955. On October 21, 1955, Mr. C. W. Taylor, Director, Bureau of Safety and Service, wrote the president of the road concerned, in which he referred to inspections made at 9:55 a. m., 1:38 p. m., and 2:55 p. m. on October 4. The train inspected at 9:55 a. m. contained 2 cars with airbrakes inoperative and 17 cars with what the Commission inspector termed as "excessive brake cylinder piston travel"; 5 of the cars reported had piston travel of 9½ inches, 1 had piston travel measuring 9¾ inches, 7 with piston travel of 10 inches, 2 with piston travel of 11 inches, and 1 with piston travel of 11½ inches.

Insofar as the report of the particular train is concerned, there were 4 cars which did not meet the requirements of the safety appliance regulations which require that piston travel should not exceed 10 inches. This was the final terminal for this train.

The train inspected at 1:38 p. m. contained 2 cars with airbrakes inoperative and 18 cars with what the Commission inspector referred to as excessive piston travel. In this instance there were 9 cars having piston travel of 9½ inches, 4 cars with piston travel of 10 inches, 2 cars with piston travel of 10½ inches, and 3 cars with piston travel of 11 inches. This was a traveling switcher.

The train inspected at 2:55 p. m., to which Chairman Clarke refers in his statement, had 9 cars with piston travel of 9½ inches, 12 cars with piston travel of 10 inches, 8 cars with piston travel of 10½ inches, 3 cars with piston travel of 11 inches, and 2 cars with piston travel of 11½ inches. This was an intermediate terminal for this train.

All of the inspections were made by the same inspector of the Bureau of Safety and Service on the same date and the letter of October 21 from Mr. Taylor to the president of this member road included the results of the inspector's reports of that day. However, in the statement citing the particular example, the worst possible situation is the only one to which reference is made.

On page 29 Chairman Clarke states: "Modern railroading with its greatly increased traffic, heavier trains and higher speeds has imposed a burden on the power or train brakes which was scarcely envisioned a few years ago." Throughout his testimony, Chairman Clarke fails to recognize the improvement in design of cars, including their brakes; also that present-day locomotives equipped with dynamic brakes are capable of braking 80 percent of their pulling power. This almost doubles the braking power of trains. In addition, there are other aids in fairly general use which provide additional efficiency in braking.

The actual speed of freight trains on line of road has not been greatly increased. The increased average speed has resulted from either eliminating or minimizing nonproductive and time-consuming stops. It is from this source that the railroads have improved their overall freight train performance.

For the above reasons freight trains today operate successfully and with safety over long distances without changing the consist of the train. Such trains moving through greater distances in a given time actually accrue inspections more frequently and at shorter time intervals than has ever been true before.

No change is needed in the law but a modification of the AAR inspection rules has been under study since 1955 and is needed. It will be based on a constructive approach to real safety, taking into account the progress which has been made in providing mechanical inprovements in modern cars and train operations. The elimination of nonproductive delays which serve neither safety nor efficiency is necessary to provide the low-cost quality service demanded by the public and to meet today's competition from other modes of transportation.

It was personal knowledge of the outstanding safety records and excellent brake performance and improved operating procedures that prompted Mr. D. W. Brosnan, vice president of Southern Railway, to write his letter of May 27, 1955, to Mr. C. W. Taylor, as covered by Chairman Clarke's exhibit IV.

The prepared statement of Mr. Heiss, as well as his answers to questions at the hearing on March 21, is of such a general nature without the support of any statistics that rebuttal is unnecessary except for the purpose of clarification of one important phase of the discussion. I would like to point out that the train line with which each car is equipped is a means that provides for the flow of air to all cars in the train. In the instance where a brake becomes inoperative the portion of the appliance is cut out on that car only and this does not affect the flow of air to any other cars in the train.

EXHIBIT 5

Chesapeake & Ohio Ry.

Year	Average number freight-car inspectors per month	Average freight-train miles per month
1954	608	1,211,572
1955	930	1,491,357
1956	978	1,584,332

Pennsylvania RR.

Year	Total number freight-car inspectors employed	Average freight-train miles per month
Mar. 1, 1954	2,665	2,493,491
Mar. 1, 1955	2,592	2,772,389
Mar. 1, 1956	2,772	3,030,058
Mar. 1, 1957	2,814	3,100,000

Atchison, Topeka & Santa Fe Ry.

Year	Average number freight-car inspectors, 1st 6 months	Average freight-train miles per month
1954	1,096	2,197,770
1955	1,082	2,404,437
1956	1,110	2,479,294

EXHIBIT 6

Atchison, Topeka & Sante Fe Railway

Year:	*Amount billed foreign lines "AB" brake repairs*
1st half 1954	$117,168
1st half 1955	148,525
1st half 1956	173,327

Pennsylvania Railroad

Year:	*Amount billed foreign lines airbrake repairs*
1954	$227,022.80
1955	268,267.14
1956	366,940.55

91289—57——20

EXHIBIT 7

Freight and passenger traffic railways of class I

[In thousands]

Year	Revenue ton-miles (1)	Revenue passenger-miles (2)	Year	Revenue ton-miles (1)	Revenue passenger-miles (2)
1946	591, 982, 472	64, 673, 453	1952	614, 753, 676	34, 009, 986
1947	654, 728, 304	45, 920, 576	1953	605, 813, 437	31, 655, 134
1948	637, 916, 742	41, 179, 040	1954	549, 258, 800	29, 286, 008
1949	526, 500, 360	35, 094, 501	1955	623, 614, 866	28, 525, 744
1950	588, 577, 756	31, 760, 001			
1951	646, 620, 439	34, 613, 546	Average, 1946–55	603, 976, 685	37, 671, 799

Source: Statistics of Railways—I. C. C.

Mr. PRINCE. May I ask one other question?

Senator SMATHERS. Yes.

Mr. PRINCE. There is a matter of considerable importance to us, as you have gathered from the presentation we have tried to make to you.

We have not had an opportunity to analyze and study carefully the presentations made by certain other parties in this matter today. I wonder if we might have the opportunity to review those, analyze them, and perhaps submit supplemental information to you about this matter?

Senator SMATHERS. Yes, indeed. The record is going to remain open for a considerable time, a week at least, in which you can submit any additional information you care to submit. Just put on it, that it is additional and supplementary of or rebuttal information.

Senator PURTELL. That would be true of any other interested parties.

Senator SMATHERS. We have three more people here to testify yet.

Is Mr. Howard here?

Is Mr. Shelly here?

Is Mr. Mayhood here?

Senator PURTELL. They got tired.

Senator SMATHERS. We get tired too.

Senator PURTELL. I am not sure they were here.

Senator SMATHERS. Were they here?

Senator PURTELL. I do not know.

Senator SMATHERS. Mr. Howard?

He is here. Why don't we hear from Mr. Howard? Very frankly, before we get into deciding what we are going to do, we have to end the testimony. I think we have a pretty good picture of it. Don't you think so, Senator?

Senator PURTELL. Yes.

Senator SMATHERS. Mr. Clarke, I would make this observation off the record.

(Discussion off the record.)

Senator SMATHERS. Mr. Howard, go right ahead.

STATEMENT OF EDWARD G. HOWARD, GENERAL ATTORNEY, ASSOCIATION OF AMERICAN RAILROADS

Mr. HOWARD. Mr. Chairman, my name is Edward G. Howard. I am a general attorney of the Association of American Railroads with an office in the Transportation Building.

Senator SMATHERS. What is the difference between your job and that Mr. Prince has?

Mr. HOWARD. Mr. Prince is general solicitor. That is a more elevated lawyer than a general attorney.

Senator SMATHERS. A solicitor?

Mr. HOWARD. A general solicitor; yes, sir.

Senator SMATHERS. In railroad practice there is sort of the same setup that they have in the English law, a barrister and a solicitor.

Mr. HOWARD. It is not comparable to the English, as I understand it. There are different titles, and that of general solicitor is more important than that of general attorney.

Senator SMATHERS. But you all do have the same employer?

Mr. HOWARD. Yes, sir; we have. I think you are familiar with that employer. I have described the association in my prepared statement.

Senator SMATHERS. Yes.

Mr. HOWARD. We oppose, Mr. Chairman, those portions of S. 1492 that would increase the penalties for offenses—and these are offenses under the safety acts.

Senator SMATHERS. Is your testimony going to be directed to S. 1492?

Mr. HOWARD. Yes, sir.

Senator SMATHERS. I see, fine. All right.

Mr. HOWARD. Particularly to sections 1, 2, and 3 of that bill.

Senator SMATHERS. All right.

Mr. HOWARD. We oppose those penalties that would be increased by this bill, for offenses which can be and usually are committed without negligence and without guilty knowledge on the part of the railroad or its agents, that is to say those penalties that are imposed by law without reference to the offending railroads' degree of care or negligence and regardless of its knowledge or ignorance of the existence of a defect.

Sections 1 and 3 of the bill can be discussed together conveniently. They are identical in that they would increase from $100 to $500 the penalty now imposed on railroads for each violation of the safety appliance acts and the Locomotive Inspection Act.

These acts, safety appliance and locomotive inspection, are alike in that liability arises under each of them; regardless of a complete lack of fault on the part of the railroad, as the Commission's Bureau of Railroad Safety has stated.

We do not now take issue with the abstract principle embodied in this law, the principle of liability without fault. But, as this committee is aware, one of the basic principles of American law is that liability should ordinarily fall on someone who is at fault, someone who has been negligent or who has willfully decided to break the law.

Liability without fault, as under these acts, is the exception in our system.

It seems to us that a fivefold increase in the penalty assessed against railroads for the violations in question would be an unwise and unjustified enlargement of the exceptional absolute liability that is now imposed upon us.

The ICC's justifications for sections 1 and 3 of this bill advances three main reasons why the sections should be enacted.

First, the dollar has depreciated in value since the original acts were passed.

Second, the present penalty of $100 is not large enough to deter violations,

And, third, the bill will "take the profit out of" violating the act.

I should like to mention each of these reasons, sir.

We concede that the dollar is worth less than when these acts became law, although not five times less.

That may be a reason for increasing all the penalties in the United States Code, but it is not, in our opinion, a sufficient reason for increasing penalties contained in a few acts administered by a single commission.

The Commission's chief support for this bill, these sections of it, sections 1 and 3, is its assertion that the existing penalty is not high enough to deter violations of the law.

In support it asserts that railroad safety appliance maintenance has shown continuing deterioration because its inspectors, the ICC's inspectors, have discovered a larger number of defects per 1,000 cars inspected in 1956 than they did in 1946.

In considering the significance of the number of defects found it must be remembered that the number of possible defects is enormous.

Inspectors of the ICC are guided in their work by a standard classification of safety appliance defects which lists about 270 faults, any one of which makes a unit of rolling stock defective in terms of the safety appliance acts.

A few of these apply only to locomotives and not all would apply to every type of car.

It is fair to say, however, that at least 250 of them would apply to the ordinary boxcar.

In 1955, the class 1 railroads owned more than 718,000 boxcars, so it is apparent that the defect potential of these cars, which are less than half the railroad's total units of rolling stock, is at least 250 times 718,000, or 179,500,000. This isn't all. Many of the 250 items listed in the classification that guides the inspectors relate to safety appliances of which there are more than 1 on each car. There are 14 different ways, for example, in which ladders can be defective, but each boxcar has to have 4 ladders. The defect potential in that respect, therefore, is not 14, only, but 56. There are 51 defects that affect couplers and related parts, but each car has 2 couplers, making the potential there 102. There are 7 listed handhold defects, but each boxcar has at least 16 handholds, whereby the defect potential of handholds is increased to 112.

I don't need to give other examples of the increased exposure to safety appliance defects that results from multiple use of standard appliances on a single car. If the number of boxcars in service is multiplied only by the additional 198 potential defects that arise from the multiple uses I have mentioned, there is produced an additional

potential for the boxcar fleet alone of 142 million. When you add this to the potential I previously described, it is apparent that the railroads' boxcars alone are subject to at least 321,664,000 possible defects within the meaning of the safety appliance acts. This fantastic figure takes no account of the comparable figures that could be calculated for passenger cars, locomotives and all the other types of freight cars.

When the number of possible defects is so astronomical, as it is in this case, the statistics of total defects found by the Commission's inspectors, and even the number of defects found per 1,000 cars inspected, fail to be of any significance as an index of the railroads' efficiency in maintenance.

The enormous potential creates a situation where marked fluctuations in the number of defects reported could arise from minor changes in inspection procedures.

The figures suggest that this is exactly what happened. Exhibit 1, attached to my prepared statement, shows in column 3 the number of safety appliance defects per 1,000 units of rolling stock inspected found by the Commission's inspectors in each of the fiscal years from 1946 to 1956. You will note that between 1946 and 1953 the number of defects per 1,000 units inspected varied only between 38 and 43. In 1954, however, the number increased very abruptly to more than 50 and has exceeded that number in the 2 later years.

This matter is not susceptible to absolute proof either way, but we submit that this sudden, steep, and abrupt increase can with more reason be attributed to a change in the procedures or even the attiudes of the Commission's inspectors than to a sudden and unprecedented failure of railroad maintenance.

There seems to us borne out by the safety record, which is the ultimate test, we think, of adherence to any safety statute.

Columns 4 to 6 in my exhibit 1 show this record, to the extent permitted by the available figures. They show that at almost exactly the time when the number of safety appliance defects per 1,000 cars inspected was taking the abrupt rise I have spoken of, the number of train accidents caused by defective equipment of the same general type and the number of accompanying casualties was decreasing markedly.

The available figures, unfortunately, do not permit direct comparisons between these two groups because the defect figures are on a fiscal year basis, and the accident figures are on a calendar year basis. And, further, because the defective equipment to which column 4 relates, includes some equipment in addition to the devices required by the safety appliance acts, and to that extent the comparison is unfavorable to the railroads.

I should also point out that the train accidents due to defective equipment, as shown in column 4 are only about 10 percent of total train accidents, which are shown in column 7. We think these figures have sufficient validity, despite the deficiencies in them which I have mentioned, to cast a serious doubt on the Commission's assertion that our maintenance of safety devices has greatly deteriorated in recent years.

In any event there is no question, as Mr. May has also shown you, that the railroads' overall safety record, during the years 1946 to 1955,

in terms of deaths, and injuries, has substantially and consistently improved. I show those figures in exhibit 2.

When these matters are considered, we submit that the Commission's reasons for increasing the penalties for the violation of the safety appliance acts are at best unpersuasive. The proposed increases we think would serve no useful purpose.

The same conclusion applies, and it is even clearer because accurate statistics are available in this case, to the proposed increase of penalties for violation of the locomotive inspection act which is section 3 of S. 1492.

The Commission contends that increased fines are essential to deter violations, but in all of fiscal 1956 it transmitted to United States attorneys only 4 cases involving 1 count each of violations of this act, which involved operation of defective locomotives.

I might say that there were other violations so transmitted during that year, but they related to failure to make reports, failure to make cerain necessary inspections. They did not relate to the operation of defective locomotives, except for these four.

More important, the Commission's recommendation for this new deterrent to promote locomotive safety comes at a time when the railroads' locomotive safety record is the best in the 45-year history of the Locomotive Inspection Bureau, and probably in the history of the railroads.

This is demonstrated by exhibit 3, which is a chart reproduced from the latest annual report of the Director of Locomotive Inspection. This chart shows that while the percentage of locomotives found defective upon inspection has remained relatively constant for about 20 years, related casualties, both fatal and nonfatal are today lower than they have ever been.

Third, the Commission attempts to justify sections 1 and 3 of this bill by asserting that they will "take the profit out of violating these laws." This seems to us merely a rhetorical catch phrase which has no substance. In the first place, our violations are relatively so few that there would be no opportunity for profit, even if, as the Commission implies, we wanted to make profit by deliberate violation of the law.

The safety appliance acts that we are now discussing are violated only when a car or locomotive with defective safety appliances, handholds, couplers, sill steps, ladders, and the like, is either operated, offered for interchange to another railroad, or accepted in interchange.

In fiscal 1956 the Commission transmitted to United States attorneys only 160 cases of Safety Appliance Act violations, involving 583 counts.

In the second place we cannot possibly profit from violations of any safety act. It is common knowledge that violation of a statute, particularly a statute designed to further railroad safety, is ground on which to base a civil action against the offending railroad which may, and usually does, result in heavy damages payable to any passenger or employee, and even some trespassers, who may be injured as the result of an accident.

To suggest that we find it to our advantage to let violations slip by is to suggest that we deliberately pay a few fines of $100 rather than repair defects which in case of accident might cost us many thou-

sands of dollars in damages, not to mention heavy loss to our own property and property of our customers which may be damaged as well.

I am sorry, I have taken so much time on this part of the bill, but it is important to us and we thought it necessary to show that the Commission's stand is based on certain fallacies.

We think you will agree that sections 1 and 3 of this bill are unnecessary and would constitute an unjustified burden to the railroads with no corresponding advantage to anyone.

I will now speak briefly of section 2 of the proposed bill which would change the penalty for violations of the hours-of-service law. The present law establishes minimum fines of $100 and maximum fines of $500 for these violations.

The bill would do away with the present flexibility and require a mandatory fine of $500 for each violation.

Knowledge and willfulness as in the case of the acts I have already discussed are not necessary elements of a violation of this law, the hours-of-service law.

It can be violated even though the defendant railroad has acted in the utmost good faith. We see no reason why the courts should be ousted of their traditional discretion to consider the circumstances in determining the amount of fines to be imposed.

We are aware of only two reported cases in which the question of the amount of the appropriate fine for violation of this act has been discussed. In one case the act was violated because the defendant railroad made a mistake of law as to the adequacy of layoff time between assignments. In the other, the railroad made a mistake of fact in reliance on a letter from the Commission.

In each case a nominal fine was held sufficient to serve the ends of justice. Clearly, a mandatory $500 fine could not deter such good faith violations.

The Commission's justification makes much of the fact that the courts have almost invariably imposed minimum fines on railroads that have been held in violation of the hours-of-service law. This seems to us an argument against the amendment rather than an argument in its favor.

If the courts imposed the lowest possible fine, it must follow that the offending railroads have almost always been able to show mitigating circumstances.

Otherwise, it seems to us, you would have to assume that the Federal courts are not performing their judicial duties.

Finally, I should like to suggest the magnitude or rather the lack of magnitude of this problem by reference to the annual reports of the Commission's Bureau of Safety.

In fiscal 1956, the ICC transmitted to the United States attorneys, 11 cases of hours-of-service violations, involving 29 counts.

In 1955, there were 9 cases of 49 counts, and in 1954, 4 cases of 7 counts.

This demonstrates, in my opinion, that this is a small matter, because the most accurate figures available to us indicate that more than 250,000 railroad employees are subject to this law. It is a problem we hope to make even smaller, because we have a great interest in good labor relations.

In concluding, it seems to us that the penalty increases or amendments embodied in sections 1, 2 and 3 of S. 1492 are unnecessary, would fail to accomplish their purpose of deterrence, would not benefit either the public or the railroads' employees, and would amount simply to an unjustified burden on the railroads.

Senator SMATHERS. Do you have any questions, Senator Purtell?

Senator PURTELL. No. I wonder whether perhaps you had a maximum and minimum, say a maximum of $500 and a minimum of $100.

Mr. HOWARD. No, sir; I do not think that would be sound in connection with those acts.

Senator PURTELL. All right.

Senator SMATHERS. Let me ask you this question: When was this law first adopted?

Mr. HOWARD. One of them in 1893; others in 1910 and 1911, sir.

Senator SMATHERS. Under those laws you have improved your safety regulations and you have, apparently, improved the railroads' position during that time; have you not?

Mr. HOWARD. Yes, sir.

Senator SMATHERS. How much do you think the dollar has depreciated since 1899?

Mr. HOWARD. The figures I have been giving, Senator, based on the cost-of-living index, indicate that there is about a four times difference since 1893. That is to say, the dollar then was worth about four times more than what it is today.

Senator SMATHERS. It appeared that the law originally did not hurt you, and you people complied with it, and the only question—we are not going to change the law, we are just trying to get, if the law was good in 1899 and 1911 and has been good all the time since, what objection would you people have to keeping the same law, and fine it exactly what it ought to be, the same relative change we have seen develop from 1899?

Mr. HOWARD. Our objection would be only this, Senator. I do not think we could object to any act by Congress that would increase all penalties in the code to conform to the depreciation of the dollar. But if you do it piecemeal, in effect you are hitting at a particular industry.

Senator SMATHERS. In other words, you would have no objection if we were to increase all fines, proportionately, that is, in the light of—you are not complaining about the law being bad, because you are not here to have it repealed. We are here to argue about whether or not the dollar has changed very much in value, and you admit that under the law you have done pretty well and it has worked pretty well.

We are just trying now to bring the law back to the same relationship that it had in 1899 or as it was in 1911. So, it seems to me it is just a matter of mathematics.

Mr. HOWARD. Well, sir, I cannot speak for the Association of American Railroads on such a broad point. It is my personal opinion that if the Congress wanted to increase every penalty in the United States Code to take account of changes in the value of money, there could be no legitimate objection, if it were across the board.

I think it is sound to object to a very narrow bill such as this, which hits a single industry.

Senator SMATHERS. You appreciate, do you not, that under the committee system of the Congress, that we do not have it here within our

jurisdiction as members on the Interstate and Foreign Commerce Committee to increase the penalty with respect to bank robbers?

Mr. HOWARD. I quite understand.

Senator SMATHERS. So the only penalties that we have authority to increase are the ones having to do with railroads, airplanes, and things like that.

Mr. HOWARD. I would think in that case that you should not do it simply because it would likely have the effect I have mentioned; it would hit one or a few industries and nothing perhaps would be done elsewhere on all these other matters.

Senator SMATHERS. If you agree that the law is good, as apparently you have agreed—that is, you are not asking that it be repealed?

Mr. HOWARD. No, sir, we are not.

Senator SMATHERS. It is not damaging to you. Then, the only thing we are trying to do is to be realistic about it, and that is to have it have the same effect, same corrective or punitive value which it had at the outset.

Mr. HOWARD. That brings up another portion of what I mentioned in my statement.

This bill, the Commission advances several reasons, one of them the value of money change. The other is, it would deter violations.

Senator SMATHERS. I am not talking about the Commission.

I am asking you this question for me, not for the Commission.

Mr. HOWARD. I understand.

Senator SMATHERS. We only have authority to operate on the railroads and the airlines and a few people like that.

We may start right with you. We have to start somewhere.

Mr. HOWARD. Yes, sir.

Senator SMATHERS. As long as the law is generaly a pretty good law and it hasn't hurt you very much. All we are going to try to do is just see if we can't make it realistic in light of the depreciation of the dollar.

Mr. HOWARD. Well, this is not a law.

Senator SMATHERS. We are willing to get your recommendation as to how much the dollar has depreciated.

Mr. HOWARD. This is not an act. These acts are not acts that are violated only when you have guilty knowledge. These are acts that can be violated in the best of good faith. And because of the immense potential of defects, under the Safety Appliance Act, no human agency is going to catch them all.

Senator SMATHERS. That is right. But the same number, the cars have had four ladders on them since 1911, they have had all these since that time. You haven't put more ladders on in recent years.

Mr. HOWARD. No, sir.

Senator SMATHERS. You haven't increased the potential violations any more.

Mr. HOWARD. I think not.

Senator SMATHERS. All right. Then we come down to the simple case of whether or not the committee should decide to bring the thing into proper perspective, whether or not we should now increase the fines, taking into account that the value of the dollar has depreciated. Therefore, the punitive effect, the original intention of it, has been depreciated.

Senator PURTELL. That is right. It no longer has the same deterring effect when $100 was $100, instead of $25.

Mr. HOWARD. I think there is little deterring effect in an act of this sort where it can be and usually is violated unknowingly.

Senator SMATHERS. You are not asking us to repeal the act?

Mr. HOWARD. No, sir, we are not. We are saying it is an exceptional kind of act and we don't think you ought to extend it in this way.

Senator SMATHERS. We are trying to go back to exactly what was in the minds of the Congress in 1903 or 1899 or 1911, what they were thinking about at that time when they passed the law and the law under which you agree that everybody has done pretty well since.

Anyway, that is neither here nor there.

Mr. HOWARD. I expressed my view on that.

Senator SMATHERS. And you made a good witness.

Mr. HOWARD. Thank you.

Senator SMATHERS. And your solicitor wanted to offer to help you there, but I don't think you needed him on this occasion. We very much appreciate it. Thank you. You have given us a good insight to this particular problem.

Mr. HOWARD. Thank you, sir.

Senator SMATHERS. We have three witnesses, none of whom are here. Matt Triggs, who is a very persuasive fellow, a member of the American Farm Bureau. He has submitted his statement. So that should be in the record. All right.

Senator PURTELL. I called his name; he is not here.

Senator SMATHERS. Mr. Shelley is not here. I would say to my colleague from Connecticut that we will hold the record open for them to submit their statements, such as they are. We regret that they could not be here. We don't feel that we should come back another day to have open hearings for them, because after all, their schedule is not any more difficult than ours. And we have been trying to get this thing closed up.

Now appearing before the committee is the Honorable Charles O. Porter, Representative from the Fourth Congressional District in Oregon. Mr. Porter, I understand your testimony concerns the rewriting of the Transportation of Explosives Act. May we hear from you now?

STATEMENT OF CHARLES O. PORTER, A REPRESENTATIVE IN CONGRESS FROM THE FOURTH CONGRESSIONAL DISTRICT OF OREGON

Mr. PORTER. Thank you, Mr. Chairman. I deem it a great privilege to appear before this committee today to urge that full consideration be given the recommendations of the Interstate Commerce Commission. Of particular interest to my constituents and me is recommendation No. 21 which calls for the rewriting of the Transportation of Explosives Act.

I am informed that the Federal statutes, known more familiarly as the Transportation of Explosives Act, have not been revised since 1923. As the committee is well aware, great changes have occurred in our living since that time. I have given considerable attention to S. 1491 and H. R. 5629, which incorporate the recommendations of the ICC, and heartily endorse the contents of both which are identical.

It seems to me that this legislation will give the ICC the control it needs to insure safety on the highways and rails. While it may not specifically fulfill the needs of each individual, it at least curbs many of the dangers of past legislation which permits sometimes sloppy control. The Commission would be able to administer, execute, and enforce all provisions of the law and prescribe necessary rules and regulations. It could make studies and hold hearings, if necessary, and it has subpena power and power to inspect records and properties of carriers engaged in transportation of dangerous articles and other such records.

Specifically, it adds control over transportation of radioactive materials and germs, shows awareness of the hazards of transportation of explosives, and makes the act applicable to contract and private carriers.

Many of my constituents of the Fourth Congressional District in Oregon have indicated strongly their disapproval of current legislation. They call attention to what they term needless accidents which yearly take the lives of citizens in ways which can be corrected. They refer to hauling of oil and explosives by trucks on highways, and instances of carriers stalling on railroad crossings and the resultant collisions which often have claimed the lives of engineer and driver.

This tragic occurrence is mirrored too often in our country—for once is once too often.

Gentlemen, I ask permission now to read into the record a letter I received December 29, 1956, from Virgil A. Parker, secretary of the Brotherhood of Locomotive Engineers of Eugene, Oreg. I believe you will find in reading it that these men have honest concern regarding present legislation and its inadequacies.

DIVISION No. 476,
BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
EUGENE, OREG., *December 29, 1956.*

Hon. CHARLES PORTER,
House Office Building,
Washington, D. C.

DEAR MR. PORTER: Since it concerns us directly, at our meetings we have often discussed the hauling of oil and explosives for long distances by trucks on our highways. Not long ago one of the Southern Pacific's trains struck a stalled truck loaded with diesel oil at a crossing at Albany, and although the engineer was drenched with diesel oil, for some reason, there was no fire. Otherwise he would have been cremated. Almost every issue of the engineers Journal has an account of an engineer's death from a similar occurrence.

Not only are we concerned as railway employees, but also as motor-vehicle drivers. Everyone who drives should be interested.

Perhaps you remember that not too long ago an oil truck collided with a bridge approach in Portland with considerable loss and damage to public property in the ensuing fire.

At our last meeting I was directed to ask that you take an active part in an investigation which would have as its purpose the prevention of long-distance hauling of gasoline, oil, explosives, and other dangerous commodities on our highways.

Yours truly,

VIRGIL A. PARKER, *Secretary.*

Finally, I should like to quote, in part, from a more recent letter sent for the Brotherhood of Locomotive Engineers by Mr. Parker on March 4, 1957:

We believe that the correct approach to this matter would be to amend the Interstate Commerce Act so that the Commission will be required to control or curtail shipment by truck of gasoline and explosives in half-carload lots or

more on long hauls over State and Federal highways. The amendment should also contain a provision, the purpose of which would be to set up an appropriation out of which officers would be paid for policing or enforcing the law.

We recognize, of course, that city delivery of gasoline has to be made by truck; also, delivery of that commodity to outlying points where they are located away from a railroad, but on the long haul, where railroads are operated parallel to highways, there seems no excuse why the public and engine crews on our locomotives should be required to operate in constant fear of a fiery death, which has happened so many times in recent years.

We do not believe that existing legislation does provide the Commission with the authority or control over this situation which it should have, and naturally, does not provide funds for enforcement or policing of such provisions.

This concludes my remarks on this matter. I know that this committee will examine thoroughly all proposed legislation, and do its best to help correct any legislation loopholes. May I thank you again for the opportunity of appearing before you.

Senator SMATHERS. Thank you, Congressman Porter.

(The statements above referred to are as follows:)

STATEMENT OF MANUFACTURING CHEMISTS' ASSOCIATION, INC.

My name is Charles H. Mayhood. I am a member of the staff of the Manufacturing Chemists' Association, Inc., with the title Transportation and Packaging Engineer, and I am empowered under authority of its board of directors to submit this statement on behalf of the association with respect to Senate bills 1490, 1491, and 1492.

The Manufacturing Chemists' Association is a nonprofit trade association of chemical manufacturers organized in 1872, whose members represent over 90 percent of the productive capacity of the chemical industry within the United States. By a very conservative estimate, its members have more than 1,000 plants located throughout the country, with representation in almost every State. They have a vital interest in all modes of transport, not only in connection with the assembly of raw materials used in their manufacturing processes, but also in the distribution of their manufactured products. They employ all forms of transportation facilities and many such members operate as private carriers by motor vehicle in interstate and foreign commerce and transport as such carriers explosives and other dangerous articles over the highways of the United States. For this reason, the association's members have a vital interest in those regulations adopted by the Interstate Commerce Commission affecting the transportation of such commodities by private carriers by motor vehicle in interstate or foreign commerce.

In the short time that has been allowed between the introduction of these bills and the beginning of the hearings, March 20, it has been impossible for us to fully evaluate the effect of these recommendations on our industry if they are adopted, and therefore, I am obliged to make a rather general statement in this connection. We trust that we may be permitted to supplement it later if it is found advisable to do so.

We have always supported any practical proposals which would contribute to safety in transportation, and many of the Interstate Commerce Commission's current requirements relating to the transportation of emplosives and other dangerous articles stem from the recommendations of this association's technical committees in cooperation with the Bureau of Explosives and the Commission. We doubt, however, that any major contribution to safety in transportation by motor vehicles would be gained in extending the requirements governing common carriers so that they would be made applicable to all private carriers of property by motor vehicle in interstate or foreign commerce to the same extent that said regulations have heretofore been prescribed and made applicable to the operation of common carriers by motor vehicles in interstate or foreign commerce, and we are opposed to any legislation affecting private industry which is not specifically tailored to fit private industry.

We submit the following for your consideration:

S. 1490: To amend part II of the Interstate Commerce Act to require the filing of brief statement by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission.

Proposes to add section 226a. The stated purpose is to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment, have adequate knowledge of such rules and regulations, and to promote compliance therewith, each such carrier shall, on or before September 1 of each year, file with the Commission a statement, in such manner as the Commission may prescribe, showing: (1) The name of the carrier, (2) the location or principal address of the carrier, and (3) the number of vehicles owned or operated.

The safety rules and regulations of the Commission applicable to all motor carriers are in full force and effect and apply whether the carrier is exempt or nonexempt. This bill would add nothing to securing compliance or promoting safety as to the exempt carriers but would impose upon the manufacturing industry, the exempt agricultural carriers and many others, the burden of making reports to the ICC as to the number of vehicles owned or operated each year. How such reports could possibly bring about adequate knowledge as to the rules and regulations, or promote compliance therewith, is not disclosed.

This bill appears to be directed toward statistical reports only so as to disclose the number of private and exempt motor vehicles being operated in the United States annually, and not for its stated purpose to promote compliance with safety rules and regulations of such carriers. The maze of recordkeeping and reports to the Commission would serve no useful purpose insofar as the stated objectives of the bill are concerned, and it should, therefore, not be adopted.

S. 1491: To revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code, as amended.

Section 834 makes the private and contract carriers by motor vehicle subject to the same regulations and restrictions placed upon the common carrier by rail or highway.

There is a marked distinction in the services and facilities available by common carrier railroads, and the services available by private or contract carriers by motor vehicles.

To impose on the private carrier the same packaging, marking, and labeling requirements as required when tendering goods to a common carrier railroad is entirely unrealistic.

The inclusion of the private carrier would cause great hardship to many businesses, large and small, and would directly affect retail and wholesale outlets, including drug stores, grocery stores, and hardware stores.

It would directly affect the private citizen in transporting normal consumer products and make it incumbent upon all to conform to the packaging, marking, labeling, and certification requirements as designed for common carriers by railroads.

It would make unlawful the carrying of 2 quarts of antifreeze preparation, or paint, in the private automobile unless they were packaged, marked, labeled and certified as required for common carrier railroads. It would create an utter disregard for all regulation because of their promiscuous application to everyone. It would affect the cost of retail dealers and wholesale houses as well as manufacturers, with resulting increased cost to the consuming public.

Section 834 makes the omission of any of the regulations issued by the Commission subject to $1,000 fine or imprisonment whether it be knowingly done or unknowingly. Thus, if, through inadvertence, a billing clerk or other person should fail to show some detail required under that maze of regulations in effect today, such person would be subject to fine or imprisonment for the mere commission or omission, whether it was knowingly committed or not. There is no showing that the American public and American industry or carriers warrant such harsh and unusual treatment.

Section 835 would make the ICC judge, jury, and prosecutor over the administration of the bill, contrary to the principles and objectives of our form of government. It would also compel American industry, when using its own trucking facilities (private carriers) to disclose to Government its formulas for all new products which are in the stage of development prior to their preserving their rights of invention and patent, which is contrary to our constitutional safeguard.

The revision of the act as contemplated should not be adopted.

The current regulations of the ICC embrace the private carriers with generally the same restrictions and regulations as applicable to common carrier railroads, but such regulations are unsupported by statutory authority and have no legal force nor effect as they generally cannot be observed by the American public, because it is impossible for them to do so and still conduct their primary occupation of manufacturing and mercantile. This bill would legalize those regulations and impose unreasonable and unwarranted burdens upon the public and make omission or commission punishable by fine and imprisonment.

S. 1492: To provide more adequate and realistic penalties for violations of certain statutes administered by the Interstate Commerce Commission.

No specific comments appear necessary on this bill at this time in view of all of the foregoing.

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION BY MATT TRIGGS, ASSISTANT LEGISLATIVE DIRECTOR

The opportunity of presenting the views of the American Farm Bureau Federation on the ICC proposal that all motor carriers engaged in interstate commerce shall register with the Commission is appreciated.

The American Farm Bureau Federation is strongly opposed to the enactment of such legislation and respectfully recommends to the subcommittee that no action be taken to report it to the Senate.

The Commission states that its sole objective is to create a mailing list of such carriers so that the Commission may "send them information and educational materials to promote better compliance" with the Commission's safety regulations.

If this is the Commission's sole purpose we suggest that the Commission can acquire such information more economically, more accurately and with less difficulty from State vehicle licensing departments than by requiring each vehicle operator to register with the Commission.

Whatever may be the Commission's purpose at this time we regard the imposition of registration requirements as a very likely forerunner or more comprehensive regulation.

In a great many instances the owners of trucks engaged in a variety of local hauling operations, including trucks owned by farmers, cooperatives, and independent local truck operators of all kinds, do not plan to use them in interstate commerce—yet any of such trucks may during the year engage sporadically in interstate commerce. In such instances the owner who did not register with ICC would be in violation of the law—or alternatively, a substantial impediment to the free flow of interstate commerce would be created.

In farming areas bisected by a State line, as is so common in many areas, a great majority of trucks of all kinds will at some period, cross the State line.

Farming is rapidly becoming a business so hemmed in by regulations and requirements of diverse kinds that the farmer needs an accountant and an attorney at his elbow if he is to avoid violating some law or regulation at every turn.

A farmer is a specialist along certain lines. He must understand soil and water management. He must know the latest scientific information relating to the crops he produces. He must be able to recognize and deal with a variety of insect, and disease problems of crops and livestock. He must be competent to buy and repair and maintain a growing complexity of equipment and machinery. He must have a capacity to employ, train and supervise employees. He must exercise sound judgment with respect to the wise use of credit. He must have competence in marketing the products he produces to best advantage.

If he fails in any of these skills the chances he will continue as a successful farmer are not good.

In addition to these basic requirements, farmers are expected to know and comply with a growing variety of State and Federal regulations of every imaginable kind. He must maintain books adequate for Federal and State income tax purposes, which are far more complex than most taxpayers must maintain. He must collect and remit social security taxes for himself and his employees. He must understand and deal with the application of workman's compensation insurance to his employment. He must understand the wise use of insurance with respect to vehicle collison, fire, general liability, equipment—and the requirements of State law relating thereto. He must adhere to any State requirements and in many instances Federal requirements with respect to housing provided

his employees. He may need to know about recent regulations governing the transportation of farmworkers. He will need to understand State regulations and in some instances Federal regulations concerning the grading, quality and marketing of the products he produces. He should be familiar with Federal price support and adjustment programs affecting the production and marketing of his products.

In the maze of regulatory measures, the farmer who does not unintentionally violate some law or regulation from time to time is exceptional.

Against this background we are opposed to one more regulation, one more requirement—particularly so when it serves no more useful purpose than is proposed by the Interstate Commerce Commission in the present instance.

The Commission's proposal must be weighed against the fact that State highway departments and other State authorities exercise substantial police power in highway safety matters. The total influence of State authority on practices of local truck operators far exceeds anything the ICC does or feasibly can do. Most truckdrivers will be contacted by State authority a hundred times for each time Federal authority relating to safety practices reaches them. In terms of reality and practicality major reliance must be placed upon State and local authority to further effective safety measures.

The hostility of the Commission to the agricultural exemption of section 203 (b) of the Interstate Commerce Act is clear and well documented. We believe it at least conceivable that the authority in S. 1490 would be used to the extent feasible as a means of discouraging exempt haulage—or as a means of acquiring data to be used to further the Commission's long-run objective of narrowing the exemption.

We appreciate the opportunity of presenting the views of the American Farm Bureau Federation to this committee.

STATEMENT OF NATIONAL PAINT, VARNISH AND LACQUER ASSOCIATION, INC.

The National Paint, Varnish and Lacquer Association, Inc., with headquarters at 1500 Rhode Island Avenue NW., Washington, D. C., is a voluntary nonprofit industry association originally organized in 1888 and comprising today approximately 1,200 members, who are engaged in the manufacture and distribution of paint, varnish, lacquer, and allied products, or of the materials used in such manufacture, and who, collectively, produce about 90 percent of the total national volume of paint, varnish, lacquer, and allied products. They employ all modes of transportation and many operate as private carriers by motor vehicle in interstate and foreign commerce and transport throughout the United States articles within the coverage of the proposed legislation.

The association appreciates the privilege afforded it and the industry to file this statement with your subcommittee. We are of the opinion that the amendments proposed by these bills are unnecessary, would not in any way enhance safety on our highways and would create many problems for the businessmen who operate private trucks in conjunction with their businesses. It is for these reasons that we are impelled to file this statement.

S. 1490 proposes to amend part II of the Interstate Commerce Act to require the filing of statements by motor carriers heretofore subject only to the safety and hours of service regulations of the Interstate Commerce Commission. The information to be filed consists of the name of the carrier, the location or principal address of the carrier, and the number of vehicles owned or operated. We fail to see how the collection of such statistical information can in any way achieve the stated purpose of insuring adequate knowledge of the rules and regulations and promoting compliance therewith. The only result will be to impose the burden of making reports to the ICC on every private truck owner who may, even if only occasionally, make a delivery across State lines. We submit that this burden should not be imposed on private truck carriers, that no useful purpose will be served and that therefore this bill should not be acted upon favorably.

S. 1491 proposes to amend sections 831–835 of the Transportation of Explosives Act, chapter 39, title 18 of United States Code, so as to extend application of the statute to private and contract carriers. To subject private carriers to the same labeling, packing, and marking requirements as are presently applicable on articles tendered to a common carrier is completely unrealistic. A paint manufacturer transporting liquids which may be covered by the act, from his plant to his own warehouse via his own trucks would be required to package, mark and label in compliance with rules and regulations designed for common carriers.

A paint manufacturer who received raw materials in bulk at a warehouse point would have to comply with these same packaging, marking, and labeling requirements when he transported the raw materials in his trucks to his plant for processing.

The resulting hardships and increased costs should not be imposed on American business and the consuming public when no useful purpose can be served.

Further, section 834 would penalize any infringement of the ICC regulations, whether knowingly or unknowingly committed. Any inadvertent omission of detail in the type of shipments referred to above would subject the persons involved to fine or imprisonment. This is an extremely severe and completely unwarranted treatment of American industry.

We believe the proposed legislation has been too hastily drafted without consideration of the realities of manufacturing and business practices, without a realization of the severity of the penalty sections, and without a clear conception of the possible achievement of the stated purposes.

We firmly believe, for the reasons stated above, that the proposed legislation should not be acted upon favorably.

STATEMENT OF THE VEGETABLE GROWERS ASSOCIATION OF AMERICA

I am Joseph S. Shelly, secretary of the Vegetable Growers Association of America. The Vegetable Growers Association of America is the only national association of vegetable growers with 42 affiliated associations, having members in 30 States. We appreciate this opportunity of appearing before your committee to voice our opposition to S. 1490.

We consider this Interstate Commerce Commission inspired amendment to section 226 wholly unwarranted and unnecessary and contrary to the best interests of vegetable growers and the consuming public. Let me point out now and make it clear that vegetable growers are not opposed to improving safety conditions on our highways. We are, however, opposed and concerned about the pericious use of safety regulations as a means by which the Interstate Commerce Commission can further spread its hostile bureaucracy upon the exempt carrier.

Let us put the Interstate Commerce Commission's justification statement, submitted with this proposed legislation, to the Chairman of the Interstate and Foreign Commerce Commission in its proper context.

Section 226 of the Motor Carrier Act says, "The Commission is hereby authorized to investigate and report on the need for Federal regulation of the sizes and weight of motor vehicles and combinations of motor vehicles and of the qualifications and maximum hours of service of employees of all motor carriers and private carriers of property by motor vehicle; and in such investigation the Commission shall avail itself of the assistance of all departments or bureaus of the Government and of any organization of motor carriers having special knowledge of any such matter."

Let me emphasize the words "authorized to investigate and report on the need for Federal regulation * * *." Now, let me quote from the justification statement:

"Although no data have been accumulated it has been recognized that many serious accidents are traceable to ignorance or disregard of the Commission's regulation by such carriers." This admits that no investigation has been made, nor can I find any confirmation of a study from any other department of the Government. This statement indicates that the Commission has not followed the intent of Congress in that it has not made any investigation of the condition it claims exist. Such a statement, when considered in light of the Commission's attitude, and discriminating action towards exempt haulers, is malicious and contradictory.

The Commission implies in its statement that exempt haulers are the only carriers involved in highway accidents. Similar accident cases may be found among the regulated carriers.

The truth and the key of this request is contained in this sentence: "At present the Commission has no way of knowing who those carriers are" (exempt carriers). This is what the Commission really wants, an opening wedge to extend its regulatory powers to the exempt haulers. The Commission has opposed exemption of agricultural haulers ever since the Motor Carrier Act was written in 1935. This attitude has been expressed in numerous regulations issued by

the Commission. Its opposition to trip leasing legislation passed during the 84th session of the Congress after pending for a period of 3 years is another incident of its biased attitude.

Its desire to control exempt haulers is expressed in statement No. 5, in the Commission's 70th Annual Report on page 162: "We recommend that section 203 (b) (6) be amended so as to limit the exemption of motor vehicles transporting agricultural commodities, fish, and livestock to transportation from point of production to primary market."

There are several reasons why the Vegetable Growers Association of America is opposed to exempt hauler regulation. Vegetable growers are recognized for their policy of producing important food commodities without the assistance of the United States Treasury. What appears as an innocent statement, and here again permit me to quote the Interstate Commerce Commission, "The proposed measure does not contemplate the filing of elaborate reports," usually has a way of pyramiding into longer reports, larger staffs, more office space, larger budgets.

One of the greatest and most frequent complaints received from vegetable growers is the continued imposition of the Federal Government in requiring more and longer reports. Vegetable growers share the bottom position of the economic totem pole with other agricultural groups. Their operations are diversified and intensive, requiring heavy capital investments. The highly seasonal and perishable nature of their operations requires the employment of a large number of workers. The vegetable growing business is very technical. All of these aspects of the industry are not without their records. It is this type of bureaucracy with its increase in taxes which annually liquidates a large number of family farms. When do these people complete their records? After the day's field operation which usually ends at dusk, following the evening meal when most other persons are enjoying the relaxation of their living rooms. Vegetable growers do not have large clerical staffs to whom this work can be delegated.

If previous activities of the Commission are any criteria of its dilatory and time consuming procedures, the innumerable delays in approving applications will result in utter confusion and economic ruin to the highly perishable vegetable industry. The cost of such injustifiable delays hindering the movement of perishable vegetables will mean lower returns to the growers and higher prices to the consumer.

This association opposes such regulation because many of its members haul their own produce to market in their own trucks. In such markets as New York, Philadelphia, Baltimore, Pittsburgh, Chicago, St. Louis, to name but a few, many growers must cross State lines. Under this proposed legislation these farmers would be subject to registration, "merely to receive information and educational material to promote better compliance, and thereby help reduce the number of accidents on the Nation's highways." Such a request is utterly ridiculous.

It is a matter of commonsense that a man who has invested thousands of dollars in a truck will not wontedly go down the Nation's highway disregarding all safety rules and regulations, capriciously destroying property and killing persons as the Commission seems to imply. Mere registration of a vehicle with the Interstate Commerce Commission will not necessarily produce safe drivers. May I also point out that these exempt haulers engaged in interstate traffic are subject to the safety regulations of the States within which their vehicles are registered and the State highway patrols of the States over which they travel.

If the Commission is so vitally concerned about safety regulations, I assure you that the Vegetable Growers Association of America, and I am certain the other leading farm and commodity organizations, will cooperate with the Commission in disseminating necessary and practical safety information. I am confident that the results will be more effective than by additional forms and fine print to the already burdensome regulations.

We solicit your support in disapproving this malicious and mandatory registration which can mean only more burdensome regulation for agriculture.

SUPPLEMENTARY STATEMENT OF JOHN V. LAWRENCE, MANAGING DIRECTOR AMERICAN TRUCKING ASSOCIATIONS, INC.

We do, however, have several comments with respect to certain provisions in this bill. (S. 1491)

In section 832 (a), page 3, lines 18–21 The use of the term "high explosives" is incorrect. They probably mean dangerous explosives. In the list of high ex-

plosives they show black powder which the ICC does not class as a high explosive. They also show blasting caps and detonating fuzes, which are sometimes classed as high explosives and other times are not, depending on quantity. The term "gunpowder" is archaic and no such explosive is listed by the ICC. It was, at one time synonymous with black powder but today it could refer to any number of explosives, some of them high explosives, others not. As used here it would be a so-called low explosive.

In section 834 (e), page 7, lines 18–19, the inclusion of "The Bureau for the Safe Transportation of Explosives and Other Dangerous Articles" is not justified on several grounds.

(*a*) Since lines 19 and 20 say "utilize the services of carrier and shipper associations", the mentioning of only one such association is redundant and discriminates against other associations.

(*b*) That "Bureau" is not identified as being a part of the Association of American Railroads.

(*c*) That "Bureau" has assumed that the mere mentioning of its name in the act has not only given the ICC merely power to utilize its services but also has given it power to suggest practically all revisions in the regulations including those involving motor carriers.

In section 832(a) the carrying of certain dangerous articles in passenger carrying vehicles must be performed knowingly if violation is to be shown.

In section 832(b) the carrying of nitroglycerin and similarly dangerous explosives, or radioactive materials, or etiologic agents must be performed knowingly if violation is to be shown. In section 833 violators of the Commission's regulation either shippers or carriers, with respect to proper marking and billing must knowingly do so.

In section 834(f), however, violation of the regulations (which are to be binding on all shippers and carriers and which cover packing, marking, loading, handling while in transit, etc.) is not required to be performed knowingly.

Chairman Clarke of the Interstate Commerce Commission, appearing before the Senate committee on S. 1491, stated "* * * we believe that a person standing in responsible relation to a public danger should be charged with the knowledge that certain rules and regulations exist for the furtherance of safety, and that a plea of ignorance of the law should not permit him to escape responsibility. To further explain this point, we feel that to remove the word 'knowingly' from all sections of the act would place too great a burden upon the carriers. Any type of explosive could be delivered to him under false marking or billing, and without the word 'knowingly' in the statute, he would be at the mercy of any irresponsible shipper. However, where the knowledge goes to the existence of rules and regulations rather than to the commodity carried, the test should be different. A carrier should know of the existence of such rules and regulations, otherwise he should not be engaging in an activity which places both persons and property in jeopardy. We believe that knowledge of the existence of rules and regulations governing the transportation of such commodities, and an understanding of them, are vital to the protection of employees, carriers, and the public in general."

As this bill is drafted we suggest the possibility that a carrier who had received from a shipper a small shipment of dangerous articles not described as such and who unknowingly carried them might very well run afoul of section 834(f) when, without knowing the nature of the shipment he violated the Commission's regulation in any way.

We strongly suggest that this confusion be cleared up before final enactment of S. 1491.

ASSOCIATION OF AMERICAN RAILROADS,
Washington, D. C., March 29, 1957.

The Honorable GEORGE A. SMATHERS,
Chairman, Subcommittee on Surface Transportation, Senate Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

DEAR SENATOR SMATHERS: The attached supplementary statement with respect to S. 1492 is submitted by the Association of American Railroads on behalf of its members pursuant to leave granted at the hearing on this and other bills held on March 21, 1957.

At the hearing, members of the subcommittee evidenced interest in the relationship of the penalties that would be increased by sections 1 and 3 of S. 1492 to the decrease in the value of money that has taken place since the existing

penalties were first enacted. The supplementary statement makes the point that if this is considered the subcommittee should also consider the decrease over the same period in the incidence of the casualties those penalties were designed to help prevent.

Copies of this letter and the attachment are being sent to each member of the subcommittee and to the Chairman of the Interstate Commerce Commission. It is hereby requested that this letter and the attached statement be made a part of the record of the hearings on S. 1492.

Respectfully,

EDWARD G. HOWARD,
General Attorney.

SUPPLEMENTARY STATEMENT OF EDWARD G. HOWARD, GENERAL ATTORNEY, ASSOCIATION OF AMERICAN RAILROADS

Sections 1 and 3 of S. 1492 would increase from $100 to $500 the mandatory penalty for violations of the Safety Appliance Acts and the Locomotive Inspection Act.

The penalty provisions of the Safety Appliance Acts became law in 1893 and 1910, respectively, and the Locomotive Inspection Act in 1911. One reason advanced in support of the bill is that the value of money has decreased since these penalties were established, so that they no longer have the same deterrent effect that Congress intended them to have. Consumer price indices show that the dollar in 1893 had about 4 times its present value and in 1910–11 about 3 times its present value.

If the penalties are to be revised so as to have the same effect today as in 1893 or 1911, changes in the magnitude of the harm to be deterred thereby are just as significant as changes in the value of the money in which the penalties are expressed. Any amendment of these fines that took into consideration only one of these factors would result in distortion.

The available statistics show that the decrease in railroad casualties from all causes since 1893 has been marked. Since 1911, the decrease in casualties directly caused by locomotive failures has more than kept pace with the decreasing value of the dollar.

In 1893 1 trainman in every 115 on duty was killed and 1 in every 10 on duty was injured. In 1955, by contrast, only 1 in 1,897 was killed an 1 in 27 injured. See statement 4, appendix A, ICC Accident Bulletin No. 124. Since 1893, therefore, the railroads' injury record as respects trainmen has improved by about 2½ times and the fatality record by about 16 times. In 1893, 2.10 passengers were killed and 22.69 were injured per 100 million pasenger miles; whereas in 1955, on a comparable basis, the corresponding figures were 0.08 and 7.90 per 100 million passenger miles. See statement 1, Accident Bulletin cited above, and ICC Annual Transport Statistics. It is clear from these statistics that the operation of railroads today is very much safer than when the first of the Safety Appliance Acts were enacted. Total fatalities are more than 10 times fewer now than in 1893.

The foregoing are overall statistics and do not relate directly to the kinds of defects encompassed by the Safety Appliance Acts. Such direct statistics are available, however, with respect to the defects sought to be reached by the Locomotive Inspection Act passed in 1911. Exhibit 3 attached to my prepared statement submitted to the subcommittee on March 21 demonstrates graphically that the improvement in railroad safety respecting the very defects to which the $100 penalty relates has been very great. In fiscal 1912 there were 1,096 casualties caused by locomotive failures and 856 accidents from that cause. In fiscal 1956 casualties were down to 83 and accidents to 73. Here again the decrease has been more than tenfold.

It follows, therefore, that if the penalty for violations of the Locomotive Inspection Act is to be mathematically adjusted in the manner suggested by the Commission, so that it will today be the equivalent of what it was in 1911, it should be multiplied by 3 (to allow for the depreciation of the dollar) and then divided by 10 (to reflect the decrease in accidents and casaulties resulting from the locomotive defects contemplated by the act). This reasoning suggests that the penalty should today be about $30 rather than $100; and that the proposed increase to $500 would be unjustified.

The railroad industry does not ask that the penalties in question should thus be decreased. It does believe that these considerations prove the proposed inincreases in penalties contained in sections 1 and 3 of S. 1492 to be wholly without warrant.

STATEMENT OF THE NATIONAL GRANGE ON S. 1490 BY JOSEPH O. PARKER, LEGISLATIVE COUNSEL

The National Grange is strongly opposed to S. 1490. This measure if enacted into law could not but add a further and unnecessary burden to all farmers in the Nation who move their agricultural products or supplies for their farms across State lines in their own trucks or who move their products by exempt motor carriers.

Such a measure would also needlessly burden the taxpayer by adding to the bulk of Government files and increasing Government personnel to process such reports.

We believe the proposal to subject farmers and exempt carriers to an annual registration would tend toward the elimination of the agricultural exemption contained in the present law.

The best evidence of the lack of any need for the proposed legislation is the statement made by the Commission in its "Statement of justification." In assigning its reasons for this proposed legislation the Commission stated:

"The Commission's only purpose in requesting legislation requiring the filing of statements by carriers subject only to its safety regulations is to make it possible to send them information and educational material to promote better compliance, and thereby reduce the number of accidents on the Nation's highways."

Such a purpose could not justify imposing the additional burdens upon an already overburdened agriculture which would be required by this bill. Subjecting farmers and exempt carriers to the burdens of obtaining another Government form, preparing it, and filing it with the Commission under the pain of criminal sanctions which would be applicable, in our opinion, is not a feasible method for the Government to employ to supply educational material to its citizens. In addition to the burdens which would be placed on farmers directly and in the form of increased transportation costs, it would increase Government expenditures and be wasteful of tax money at the very time our budget is at the highest peacetime level.

The economic plight of the farmer today is so well known that no recital of statistics is needed. Farm prices have continued to decline while farm expenses, including transportation expenses, are continuing to rise. In the light of these conditions, farmers cannnot be expected to have much patience with the proposal of the Interstate Commerce Commission. If the purpose of this measure is as stated by the Commission to make it possible to send educational material relating to safety to truckers and farmers, we would suggest that it would be preferable to make use of the existing facilities of government, such as the Federal and State extension services and the offices of commissioners of motor vehicles. In addition, there are many private groups, such as general farm organizations, commodity groups, trade associations, and others whom we believe would be happy to cooperate with the Commission in the dissemination of educational material.

The Commission has ample authority at the present time to enforce its safety regulations and the indirect licensing power as proposed in this bill is not a sound method to achieve the stated objective of the Commission.

We, therefore, urge the committee not to approve S. 1490.

STATEMENT OF GEORGE D. RILEY, AFL–CIO LEGISLATIVE REPRESENTATIVE

The AFL–CIO supports the position of the railroad operating brotherhoods and unions, notably the Brotherhood of Locomotive Firemen and Enginemen, in regard to S. 1386.

It is a fair assumption that some railroads today are not complying with their own rules for assuring adequate test and inspection of power brakes, as laid down by the Association of American Railroads.

The power to stop is extremely vital in the operation of any tremendous weight in motion. Rigid maintenance standards, at all times, must be practiced in order that there shall be assurance that operative brakes shall function at their highest possible efficiency.

Such brakes are designed so that their efficiency is dependent upon correctness of adjustment. Even though a train brake may be operative, it can still be in such poor adjustment that its braking effectiveness is almost entirely nonexistent.

The coupling of cars in trains of newer lengths than ever dramatizes the vital necessity for brakes to be thoroughly adjusted and inspected, and that such rules as are prescribed should be fully adhered to at all times.

The rules, as proposed by the AAR and adopted in 1925 with the cooperation of the Interstate Commerce Commission, are but minimum requirements for maintenance, repair, and inspection of train brakes.

The absence of law compelling compliance with the voluntary rules established by the Commission and the association and member roads leaves each railroad free to act largely as it pleases and to amend or even disregard the rules wholly or partially, or to adopt rules of their own.

Despite the fact that the railroads have endorsed the AAR code, there continues to be noncompliance of the railroads on a widespread scope. This is more especially true in regard to inspection of brakes.

Safety on the railroads is a paramount factor, the disregard of which can bring good to no party—including operating crews, shippers, and others concerned.

Certainly, the necessity for having to repair or set out defective brakes on nearly 4 cars per train and nearly 7 cars per 100 is glaring dramatization of existing train brake defects.

Calling attention to these situations relating to defects has brought little improvement, the Commission's records rather clearly indicate.

MANUFACTURING CHEMISTS' ASSOCIATION, INC.,
Washington D. C., April 3, 1957.

Subject: S. 1490 and S. 1491.

Mr. FRANK BARTON,
Senate Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.

DEAR MR. BARTON: In accordance with our telephone conversation Monday, I am enclosing a copy of my statement on H. R. 5664 and H. R. 5629, presented on behalf of the Manufacturing Chemists' Association, Inc., on April 1, before the Subcommittee on Transportation and Communications of the House Interstate and Foreign Commerce Committee. These bills are identical to S. 1490 and S. 1491 on which we have previously commented to the Senate Subcommittee on Surface Transportation of the Senate Interstate and Foreign Commerce Committee in a prepared statement and our subsequent letter of March 28, 1957, addressed to you.

In my oral testimony that supplemented my prepared statement at the House hearings, I particularly pointed out that H. R. 5664 (identical to S. 1490) is not nearly as innocuous as it appears. As you know, the Interstate Commerce Commission has strongly advocated passage of this bill in the guise of a simple educational program, supposedly for the purpose of promoting safety in transportation by private carriers by acquainting those who are not now of record with the Commission with their responsibilities with respect to qualifications and maximum hours of service of employees and the safety of operation of equipment under ICC motor carrier safety regulations, with which they must now comply.

To accomplish this, ICC Chairman Owen G. Clarke has proposed that all that would be necessary would be to have private carriers who might at any time operate in interstate commerce register their vehicles in the manner required by the bill. At the House hearings, he suggested that private carriers need only execute a simple form printed on a post card which the Commission would be glad to supply. This wolud enable the Commission to distribute copies of ICC motor carrier safety regulations to those now obliged to comply with them and the Commission might subsequently have its field staff follow up with personal contacts in any instances where it appeared desirable in the interest of promoting safety.

Certainly no one can take exception to the desire of the Commission to promote safety in transportation, and on the surface, the above all seems innocent enough. Based on the chemical industry's experiences and the Commission's past attitude however, one cannot help but wonder if the Commission is being entirely forthright, as they have heretofore taken great pride in measuring the effectiveness of their staff in relation to the number of prosecutions and the fines they could levy against motor carriers for violations. There is no reason to believe that they will change this attitude in view of Commissioner Clarke's statement before your

committee in which he said in support of the request for this legislation and registration, "Moreover, we believe that our records would have greater evidentiary value as to 'knowledge' where prosecution may be necessary."

Copies of ICC motor carrier safety regulations which are currently obtainable from the Superintendent of Documents, Washington, D. C., do not contain part 197 relating to the transportation of explosives and other dangerous articles, although part 197 is mentioned in the booklet as being integral with these requirements. One must secure part 197 from the Commission, and it is merely a compilation of certain orders issued by the Commission relating to truck operations when hazardous commodities are hauled. Therefore, if there is any liklihood of a private carrier ever transporting dangerous articles, he must in addition also be thoroughly familiar with the Commission's voluminous regulations published separately, governing the handling of same.

Once a private carrier registers with the Commission as an interstate operator, he would become subject to all requirements (by any authority given to the Commission in H. R. 5629 and S. 1491) of the Commission, with respect to the dangerous articles regulations both interstate and intrastate, and thereafter, he would be obliged to conform in all respects (in many cases he would also be the shipper) even though the truck never left the State in which he normally would operate. Accordingly, for an unwitting or unknowing violation of the dangerous articles regulations, he could be subjected to the maximum penalties provided under H. R. 5629 and S. 1491, i. e., $10,000 or ten years in jail, or both. This could apply to trucks of the farmer, butcher, baker, and pretzel or candy distributor, if he so much as violated the requirements in handling his own supplies classified as dangerous. This seems very far fetched, as he would in most cases merely be transporting such commodities as they were prepared or received by his local supplier. As shipped to the supplier, the outside bulk packages would undoubtedly conform with ICC regulations, but when the interior packages were removed and sold individually, locally (for example, paint, antifreeze, bleaches, and many similar commodities) it is unlikely that the interior containers would comply with ICC specifications, although they would be perfectly safe for transportation by this or other types of consumer trade.

Frankly, the way H. R. 5664 and S. 1491 are worded, it appears that the Commission could enforce the dangerous articles regulations on a consumer using his own private automobile, and therefore, it is entirely possible that one's wife or members of his immediate family could run afoul of these requirements and be exposed to the penalties provided, on a simple shopping expedition to a local market where he resides.

If the foregoing sounds unreasonable, I suggest that you examine the transcript of Commissioner Clarke's remarks at the House hearings and you will find that he made a statement to the effect that the Commission intended to enforce the dangerous articles regulations even on those employing their private automobiles.

The present ICC regulations applying to common carrier motor vehicles are merely a carryover of the regulations promulgated in 1908, revised 1909, 1921 and 1948, applying to rail carriers with such modifications as had to be made to fit common carrier motor operations. It is entirely unrealistic for the Commission to endeavor to apply these regulations to the highly specialized private motor carrier field.

I regret that I cannot share your confidence in the Commission's good intentions as to private carrier regulations, as there is no indication from any of their past practices or from many of their recent decisions (some of which I personally believe were rather weird), that they have any plans to write special regulations for private operators, and I doubt that they will deal with this matter in the very special way they should.

I greatly appreciate the opportunity you have afforded me to submit these additional remarks and I believe they should have your very serious consideration in the light of the burden that passage of either or both bills would place on a large cross section of the consuming public, private motor vehicle operators, and their various communities.

Sincerely yours,

C. H. MAYHOOD,
Transportation and Packaging Engineer.

STATEMENT OF MANUFACTURING CHEMISTS' ASSOCIATION, INC.

My name is Charles H. Mayhood. I am a member of the staff of the Manufacturing Chemists' Association, Inc., with the title "Transportation and Packaging Engineer," and I am empowered under authority of its board of directors to submit this statement on behalf of the association with respect to H. R. 5664 and H. R. 5629.

The Manufacturing Chemists' Association is a nonprofit trade association of chemical manufacturers organized in 1872, whose members represent over 90 percent of the productive capacity of the chemical industry within the United States. By a very conservative estimate, its members have more than 1,000 plants located throughout the country, with representation in almost every State. They have a vital interest in all modes of transport, not only in connection with assembly of raw materials used in their manufacturing processes, but also in the distribution of their manufactured products. They employ all forms of transportation facilities and many such members operate as private carriers by motor vehicle in interstate and foreign commerce and transport as such carriers explosives and other dangerous articles over the highways of the United States. For this reason, the association's members have a vital interest in those regulations adopted by the Interstate Commerce Commission affecting the transportation of such commodities by private carriers by motor vehicle in interstate or foreign commerce.

In the short time that has been allowed between the introduction of these bills and the beginning of the hearings March 28, it has been impossible for us to fully evaluate the effect of these recommendations on our industry if they are adopted, and therefore, I am obliged to make a rather general statement in this connection. We trust that we may be permitted to supplement it later if it is found advisable to do so.

We have always supported any practical proposals which would contribute to safety in transportation, and many of the Interstate Commerce Commission's current requirements relating to the transportation of explosives and other dangerous articles stem from the recommendations of this association's technical committees in cooperation with the Bureau of Explosives and the Commission. We doubt, however, that any major contribution to safety in transportation by motor vehicles would be gained in extending the requirements governing common carriers so that they would be made applicable to all private carriers of property by motor vehicle in interstate or foreign commerce to the same extent that said regulations have heretofore been prescribed and made applicable to the operation of common carriers by motor vehicles in interstate or foreign commerce, and we are opposed to any legislation affecting private industry which is not specifically tailored to fit private industry.

We submit the following for your consideration:

H. R. 5664: To amend part II of the Interstate Commerce Act to require the filing of brief statement by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission.

Proposes to add section 226a. The stated purpose is to insure that motor carriers subject only to the rules and regulations of the Commission respecting qualifications and maximum hours of service of employees and safety of operation and equipment, have adequate knowledge of such rules and regulations, and to promote compliance therewith, each such carrier shall, on or before September 1 of each year, file with the Commission a statement, in such manner as the Commission may prescribe showing: (1) The name of the carrier, (2) the location or principal address of the carrier, and (3) the number of vehicles owned or operated.

The safety rules and regulations of the Commission applicable to all motor carriers are in full force and effect and apply whether the carrier is exempt or nonexempt. This bill would add nothing to securing compliance or promoting safety as to the exempt carriers but would impose upon the manufacturing industry, the exempt agricultural carriers and many others, the burden of making reports to the ICC as to the number of vehicles owned or operated each year. How such reports could possibly bring about adequate knowledge as to the rules and regulations, or promote compliance therewith, is not disclosed.

This bill appears to be directed toward statistical reports only so as to disclose the number of private and exempt motor vehicles being operated in the United States annually, and not for its stated purpose to promote compliance with safety rules and regulations of such carriers. This appears to be supported by one change suggested in testimony before the Senate Subcommittee on Surface

Transportation, Senate Interstate and Foreign Commerce Committee, on March 20 and 21, which would add the provision that persons subject to the bill be required to furnish not only the number but also the type of vehicles owned or operated. It seems obvious that this suggestion has nothing to do with safety in transportation. The maze of recordkeeping and reports to the Commission would serve no useful purpose insofar as the stated objectives of the bill are concerned, and it should, therefore, not be adopted.

H. R. 5629: To revise the Transportation of Explosives Act, chapter 39, title 18, of the United States Code as amended.

Sections 831–835 of this title are to be amended to clearly reflect that they embrace by class radioactive materials and etiologic agents. The term "etiologic agents" is almost impossible to properly interpret in legislation of this type, and it should not be used, as it could be construed to embrace materials that are not intended to fall within the scope of Interstate Commerce Commission regulations, or which would be otherwise properly classified because of their characteristics. The Department of Health, Education, and Welfare has already amended its regulations (Federal Register, vol. 22, No. 32, Friday, Feb. 15, 1957), title 42, Public Health, chapter I, part 72, subpart C, Interstate Quarantine, concerning the transportation of etiological agents and the conditions of transport. They clearly set forth that these requirements apply to such things as live viruses, bacteria, etc., and detail the packaging required. The bill would allow differing regulations, and therefore, if control of such materials is also deemed necessary under interstate commerce regulations, the two should be uniform and the bill should define exactly what the Commission's jurisdiction shall be.

Section 834 makes the private and contract carriers by motor vehicle subject to the same regulations and restrictions placed upon the common carrier by rail or highway.

There is a marked distinction in the services and facilities available by common carrier railroads, and the services available by private or contract carriers by motor vehicles.

To impose on the private carrier the same packaging, marking and labeling requirements as required when tendering goods to a common carrier railroad is entirely unrealistic.

The inclusion of the private carrier would cause great hardship to many businesses, large and small, and would directly affect retail and wholesale outlets, including drug stores, grocery stores, and hardware stores.

It would directly affect the private citizen in transporting normal consumer products and make it incumbent upon all to conform to the packaging, marking, labeling, and certification requirements as designed for common carriers by railroad.

It would make unlawful the carrying of 2 quarts of antifreeze preparation, or paint, in the private automobile under certain conditions, unless they were packaged, marked, labeled, and certified as required for common carrier railroads. It would create an utter disregard for all regulation because of their promiscuous application to everyone. It would affect the cost of retail dealers and wholesale houses as well as manufacturers, with resulting increased cost to the consuming public. For example, take the case of a painter located at Philadelphia, Pa., who is employed to paint a building in the State of New Jersey. Such a painter may use lacquers and thinners having a low flash point, so that they are considered a flammable liquid. If he should take certain specification containers of such flammable liquids, and mix the paints and thinners, he would be prohibited under these proposals to transport such flammable liquids in containers in his own car or truck between his home and his job unless such packages were in full compliance with all ICC requirements. Consider, also, a steady movement between plants of a hazardous raw material, such as an acid, in a truck owned by the industry. The driver of the private truck would be employed by an acid plant, and would handle acid, and acid alone, daily, in his employer's truck, and undoubtedly would be instructed thoroughly as to safe methods of handling the acid, and the hazards in connection with its use. Under these proposals, however, it could be required that such acid not only must be packed in a specification container, but that the packages must be marked and labeled, and that some shipping paper certify that the regulations have been complied with to the driver, as if he were a stranger to the acid business. This last requirement would obviously be unnecessary in such a case, since here the shipper would be certifying to itself as a private carrier that the regulations had been complied with by the shipper.

Section 834 makes the omission of any of the regulations issued by the Commission subject to $1,000 fine or imprisonment whether it be knowingly done

or unknowingly. Thus, if, through inadvertence, a billing clerk or other person should fail to show some detail required under that maze of regulations in effect today, such person would be subject to fine or imprisonment for the mere commission or omission, whether it was knowingly committed or not. There is no showing that the American public and American industry or carriers warrant such harsh and unusual treatment.

Section 834 provides that the Commission may utilize the services of carrier and shipper associations and avail itself of the advice and assistance of State and local governments in addition to the other groups enumerated and presently covered in the act. There would seem to be no reason to further define in legislation a privilege the Commission already enjoys. Where the Commission has considered it necessary to the safe transportation of dangerous articles, the chemical industry has always stood ready to place its facilities at the Commission's disposal directly or through the Bureau of Explosives, to develop any information desired. Other industries have done the same, and in our own case, the Commission has taken advantage of this privilege on many occasions. The Commission now calls on State and particularly local governments for such assistance as they deem desirable.

Under current requirements, wherein the Commission may avail itself of the services and broad experience of the Bureau of Explosives, the procedures for progressing regulation or regulation amendments have been adequate in every way and have developed in harmony and in mutual confidence and trust between industry, the Bureau, and the Commission, since the passage of the Transportation of Explosives Act almost 50 years ago. There is no evidence to warrant any change, and any deviation from this practice that would be recognized in formal legislation could result in a great deal of confusion and possible harassment to shippers of hazardous commodities. Further, if at any time the Commission should be required to delegate such authority to, for example, State and municipal authorities, it would then have to be prepared to accept responsibility for the actions of such groups, for, in our opinion, only those having special knowledge, experience, and training in this field can or should assist the Commission in its functions. It is questionable that employees of State or local governments would be qualified to give the assistance the Commission may expect, and it is entirely possible that more accidents or hazardous conditions could result through lack of knowledge or experience if these recommendations are adopted.

Section 835 would make the ICC judge, jury, and prosecutor over the administration of the bill, contrary to the principles and objectives of our form of government. It would also compel American industry, when using its own trucking facilities (private carriers) to disclose to Government its formulas for all new products which are in the stage of development prior to their preserving their rights of invention and patent, which is contrary to our constitutional safeguard.

The revision of the act as contemplated should not be adopted.

LOS ANGELES, CALIF., *March 27, 1957.*

Senator GEORGE A. SMATHERS,
Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.

This statement in opposition to S. 1490 is submitted in behalf of 90 percent of the vegetable and melon growers of Arizona and California. We do not speak for potato growers. Approximately 50,000 equivalent carloads of these commodities are transported from California and Arizona by interstate motor carriers annually to markets throughout the United States. We are in favor of the safe operation of motor vehicles and proper hours of service for the operator of such vehicles. However, the passage of Senate bill 1490 would not accomplish that objective. The entire program is of sufficient magnitude as to justify extensive research and analysis to determine what corrective measures are needed and the proper channel of enforcement. Please have our opposition registered accordingly.

FRANK W. CASTIGLIONE,
Executive Vice President, Western Growers Association.

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D. C., March 26, 1957.

Hon. GEORGE A. SMATHERS,
Chairman, Subcommittee on Surface Transportation,
Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SENATOR SMATHERS: We desire to register our opposition to the bill S. 1490. Our opposition is predicated on the proposition that the proposed legislation will not and cannot achieve its purported objective. Furthermore, it is unneeded and unjustified.

The bill S. 1490 proposes to require all motor carriers, which are subject only to the rules and regulations of the Interstate Commerce Commission respecting qualifications and maximum hours of service of employees and safety operations and equipment, to file each year with the Interstate Commerce Commission a statement showing the name and address of the carrier and the number of vehicles owned and operated.

At the outset, we will give the Interstate Commerce Commission the benefit of the doubt with respect to its motives for the proposed legislation.

In justification for the proposed legislation, the Interstate Commerce Commission states that since 1939 it has been able to let only a small part of the carriers referred to in S. 1490 know that they are required to comply with the Interstate Commerce Commission safety regulations.

We respectfully submit that it is this admission by the Interstate Commerce Commission that proves our point that the proposed legislation will not and cannot achieve its purported objective. If in 18 years only a small part of the carriers exempt from economic regulations by the Interstate Commerce Commission have knowledge of the fact that they are subject to the safety regulations, we wish to inquire how the Interstate Commerce Commission proposes to be any more successful in letting these carriers know that they are subject to the requirement for annual reports, should the provisions of S. 1490 be enacted into law.

The Interstate Commerce Commission states that its only purpose in requesting the proposed legislation is to make it possible to send out information and educational material in regard to the safety requirements.

We suggest that the Interstate Commerce Commission consider the utilization of farm groups and other national organizations to distribute such material. The National Milk Producers Federation will be very happy to cooperate in order that our one-half million dairy farmer members will have the information prepared by the Interstate Commerce Commission. We can cover all our members, not merely a small part of the membership, and we can complete the task within a few days and not leave it undone for a long period of time. We know that other national farm organizations would be glad to render the same service, and there surely must be many other groups who will cooperate with the Interstate Commerce Commission in making such material available to their members.

In this connection, we note that a representative of the Interstate Commerce Commission indicated that farm groups and others have shown little, if any, interest in the problem up to date. We respectfully point out that as far as our organization is concerned, and according to our records, the Interstate Commerce Commission has never taken the initiative in conferring with us for the purpose of securing our assistance in disseminating helpful material to our dairy farmers. As a matter of fact we have contacted the Interstate Commerce Commission on several occasions for the purpose of proffering our services in distributing information to our members. Up to the present we have received no evidence of any disposition on the part of the Interstate Commerce Commission to follow up on our suggestion.

We gladly offer our facilities to help the Interstate Commerce Commission meet its problem of effective distribution of pertinent material.

We will appreciate if you will kindly make this communication a part of the record of the hearings on the bill S. 1490.

Sincerely,

E. M. NORTON, *Secretary.*

THE HOLBROOK GROCERY CO.,
Keene, N. H., March 26, 1957.

Hon. NORRIS COTTON,
United States Senate, Washington, D. C.

DEAR MR. COTTON: We would like to register with you our opposition to Senate bill 1490. Our reasons are as follows: The administration of this bill would add extra costs to everyone, meaning higher taxes which we are all striving to have reduced; and furthermore we cannot see where this would serve any useful purpose whatever.

We request your opposition to this bill.

Sincerely,

H. L. CAPRON.

MANUFACTURING CHEMIST'S ASSOCIATION, INC.,
Washington D. C., March 28, 1957.

Re S. 1490, S. 1491 and S. 1492

Mr. FRANK BARTON,
Senate Interstate and Foreign Commerce Committee, Senate Office Building, Washington 25, D. C.

DEAR MR. BARTON: This will confirm my visit to your office on Monday and thank you for your courtesy in affording me the time to discuss further with you the statement which I previously furnished the Senate Interstate and Foreign Commerce Committee on S. 1490, S. 1491, and S. 1492.

As I agreed, I am setting forth below the additional comments relating to S. 1491 and which you were kind enough to suggest you would accept in writing to supplement the above statement.

Sections 831–835 of this title are to be amended to clearly reflect that they embrace by class radioactive materials and etiologic agents. The term "etiologic agents" is almost impossible to properly interpret in legislation of this type, and it should not be used, as it could be construed to embrace materials that are not intended to fall within the scope of Interstate Commerce Commission regulations, or which would be otherwise properly classified because of their characteristics. The Department of Health, Education, and Welfare has already amended its regulations (Federal Register, vol. 22, No. 32, Friday, Feb. 15, 1957), title 42, Public Health, chapter I, part 72, subpart C, Interstate Quarantine, concerning the transportation of etiological agents and the conditions of transport. They clearly set forth that these requirements apply to such things as live viruses, bacteria, etc., and detail the packaging required. The bill would allow differing regulations, and therefore, if control of such materials is also deemed necessary under interstate commerce regulations, the two should be uniform and the bill should define exactly what the Commission's jurisdiction shall be.

Section 834 provides that the Commission may utilize the services of carrier and shipper associations and avail itself of the advice and assistance of State and local governments in addition to the other groups enumerated and presently covered in the act. There would seem to be no reason to further define in legistion a privilege the Commission already enjoys. Where the Commission has considered it necessary to the safe transportation of dangerous articles, the chemical industry has always stood ready to place its facilities at the Commission's disposal directly or through the Bureau of Explosives, to develop any information desired. Other industries have done the same, and in our own case, the Commission has taken advantage of this privilege on many occasions. The Commission now calls on State and particularly local governments for such assistance as they deem desirable.

Under current requirements, wherein the Commission may avail itself of the services and broad experience of the Bureau of Explosives, the procedures for progressing regulation or regulation amendments have been adequate in every way and have developed in harmony and in mutual confidence and trust between industry, the Bureau, and the Commission, since the passage of the Transportation of Explosives Act almost 50 years ago. There is no evidence to warrant any change, and any deviation from this practice that would be recognized in formal legislation could result in a great deal of confusion and possibly harassment to shippers of hazardous commodities. Further, if at any time the Commission should be required to delegate such authority to, for example, State and municipal authorities, it would then have to be prepared to accept responsibility for the actions of such groups, for in our opinion, only those having special

knowledge, experience, and training in this field can or should assist the Commission in its functions. It is questionable that employees of State or local governments would be qualified to give the assistance the Commission may expect, and it is entirely possible that more accidents or hazardous conditions could result through lack of knowledge or experience if these recommendations are adopted.

Very truly yours,

C. H. MAYHOOD,
Transportation and Packaging Engineer.

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Washington, D. C., March 25, 1957.

Senator GEORGE A. SMATHERS,
Chairman, Subcommittee on Surface Transportation,
Senate Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR SMATHERS: This Brotherhood, as well as all the 22 railroad labor organizations affiliated with the Railway Labor Executives' Association are united in supporting S. 1492, to provide more adequate and realistic penalties for violation of certain statutes administered by the Interstate Commerce Commission.

We listened to the statement made by Chairman Owen Clarke of the Interstate Commerce Commission, urging passage of this bill, and we endorse everything he said in support of the legislation.

It will be appreciated if you will place this letter in the hearings, so we may be on record favoring passage of S. 1492.

Best wishes,

Sincerely,

A. M. LAMPLEY.

CLEVELAND, OHIO, *April 1, 1957.*

SURFACE TRANSPORTATION SUBCOMMITTEE,
Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

GENTLEMEN: On March 21, 1957, I testified before the subcommittee on behalf of the 23 standard railway labor organizations in support of S. 1386, a bill to amend the safety appliance acts to give the Interstate Commerce Commission authority to prescribe rules, standards, and instructions for installation, inspection, maintenance, and repair of power or train brakes. Last Thursday and Friday, March 28 and 29, the Committee on Interstate and Foreign Commerce of the House of Representatives conducted hearings on an identical bill designated as H. R. 5124. During the course of the hearings before the committee of the House of Representatives, Mr. Owen Clarke, Chairman of the Interstate Commerce Commission, made the following statement:

"In this connection the Commission would be willing to adopt, without hearing the present provisions of the AAR code respecting the installation, inspection, maintenance, and repair of power or train brakes, making only proposed changes therein and new rules subject to formal rulemaking proceedings. I am advised that this is agreeable to the railroad labor organizations interested in this bill."

In the course of my testimony before the same committee, given on March 29, 1957, on behalf of the 23 standard railway labor organizations in support of H. R. 5124, I advised the committee that Mr. Clarke's statement of our position was a correct one and that the railway labor organizations were agreeable to adopting, without hearing, the present provisions of the AAR code respecting the installation, inspection, maintenance, and repair of power or train brakes, making only proposed changes therein and new rules subject to formal rulemaking proceedings.

I am informed that Mr. Clarke will, by letter, advise you that the position of the Interstate Commerce Commission regarding adoption of the AAR code of rules is the same before the Senate of the United States as it was before the House of Representatives. This will inform you that the position of the railway labor organizations is likewise the same.

Very truly yours.

HAROLD C. HEISS.

PRIVATE TRUCK COUNCIL OF AMERICA, INC.,
Washington, D. C., April 2, 1957.

In re S. 1490.

Hon. GEORGE A. SMATHERS,
Chairman, Subcommittee on Surface Transportation,
Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Supplementing my statement on behalf of the Private Truck Council of America, Inc., before your subcommittee on Thursday, March 21, some interesting information has just been brought to my attention.

Fleet Owner, a magazine published by McGraw-Hill, 330 West 42d Street, New York 36, N. Y., completed last June a vocational analysis of the truck fleets in the United States of 10 or more vehicles, with the result that this publication now has on file a list of 63,762 fleets of 10 or more vehicles. A copy of the vocational analysis is attached. The private-operator group as a whole operates 48,699 fleets of 10 or more vehicles, or 75 percent of the fleets of 10 or more vehicles.

Mr. Caswell Speare, editor of Fleet Owner, advises me that their files are open to anyone from the ICC who will come to New York. Further, if the Commission will furnish him with copies of the safety regulations and the franked envelopes, he will be glad to mail copies to all fleet owners on their list.

As to the operators of 10 fleets or less, Mr. Speare reports he has considerable information on them.

Thus, I respectfully submit that before S. 1490, or any similar proposal, is approved, every available source now open to the Commission should be explored and the services of every organization interested in highway safety should be solicited. The surface of available aid has not been scratched.

I also mentioned a very splendid poster that the ICC has issued. I understand that 5,000 copies of these posters were printed. The poster was 26 by 18 inches and has been distributed. I further understand the project has been taken over by the American Trucking Associations, Inc., which is now selling at 5 cents each a miniature copy of the poster, 12 by 17¾ inches, copy enclosed.

If the ICC would print the information on the poster on a small card or a small pamphlet and distribute it through available sources, I believe much of its problem would be solved, and without too much expense to the taxpayer.

Respectfully submitted.

JAMES D. MANN,
Managing Director.

[From Fleet Owner Market and Media Data]

Fleet Owner continuing census[1] of truck fleets with 10 or more vehicles, vocational analysis, 1956

Industry:	*Number of fleets*
For-hire carriers	12,523
Food distribution	10,691
Government	6,193
Construction and mining	8,187
Industrial	3,367
Petroleum products	2,456
Public utilities	2,891
Wholesale and retail	5,321
Truck rentals	943
Miscellaneous	609
Total identified fleets	53,180
Being classified	10,582
Grand total	63,762

[1] This census covers units now on record with Fleet Owner. Fleets of over 10 vehicles are added as identified.

NOTICE DRIVERS & VEHICLES

Used to transport property across State lines are subject to Interstate Commerce Commission safety regulations. This includes "exempt" and private carriers of property

Qualifications of Drivers

Drivers must be physically examined at least once every 36 months; meet the minimum physical requirements; carry a doctor's certificate when driving; be at least 21 years of age; not addicted to narcotics or habit-forming drugs, or the use of alcoholic beverages or liquors; be experienced or trained to operate safely; and have a knowledge of I. C. C. regulations.

Hours of Service of Drivers

Drivers must not be on-duty more than 60 hours in any 168 consecutive hour period; not drive more than 10 hours in the aggregate in any 24 consecutive hours period without being off-duty for 8 consecutive hours during or immediately following the 10 hours driving; AND MAKE A DRIVER'S LOG IN DUPLICATE.

Parts and Accessories Necessary For Safe Operation

Vehicles must be equipped with the required lighting devices, reflectors, and electrical equipment; the required brake systems and be operative at all prescribed times; safety glass; specification fuel systems; required coupling devices or towing devices; specification sleeper berths and heaters when used; windshield wiper; defrosting devices when needed; two rear-vision mirrors; horn; speedometer or tachometer; header boards when transporting cargo such as beams, pipes, sheet steel, and heavy rolls; rear end protection or bumpers; and emergency equipment. Vehicles must be systematically inspected and maintained.

Driving of Motor Vehicles

Drivers must not drive while ill, fatigued, or under the influence of any alcoholic beverage or liquor; satisfy themselves that required parts and accessories necessary for safe operation and emergency equipment are in good working order and use them when needed; observe the speed laws; stop at railroad grade crossings when required by the regulations; securely set the parking (hand) brake before leaving a vehicle unattended; put out emergency signals when stopped, or disabled; and observe the regulations prohibiting the transportation of unauthorized passengers.

Vehicle Condition Report By Driver

Drivers must report in writing at the completion of the day's work or tour of duty any defect or deficiency of the motor vehicle discovered by a driver or reported to him as would be likely to affect the safety of operation of the vehicle or result in its mechanical breakdown or must indicate that no such defects or deficiencies were discovered or reported.

Other Regulations

Other regulations and exceptions thereto are contained in Motor Carrier Safety Regulations available from Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., at 25 cents per copy.

W. Y. BLANNING, *DIRECTOR*
BUREAU OF MOTOR CARRIERS

FOR FURTHER DETAILS CONTACT

Interstate Commerce Commission, Bureau of Motor Carriers

Washington 25, D. C.
or
Any Field Office of the ICC
(located in most large cities)

TRAFFIC MANAGERS CONFERENCE OF SOUTHERN CALIFORNIA,
Los Angeles, Calif., April 1, 1957.

Senator GEORGE SMATHERS,
Chairman, Senate Interstate and Foreign Commerce Committee,
Senate Chambers, Washington, D. C.

DEAR MR. SMATHERS: This confirms that on March 28, 1957, we sent the following wire:

"The Traffic Managers Conference of Southern California, consisting of 120 firms, representing industries and distributors in this area, without dissent, vigorously opposes the enactment of S. 1490. This unnecessary registering of private carriers adds to the increased burden and expense already required for the implementing of regulations by the Interstate Commerce Commission. This measure is an attempt to regulate all transportation, both public and private, and will adversely affect our entire economy.

"We request your honorable Commission include our statement in the committee record of hearings.

"TRAFFIC MANAGERS CONFERENCE OF SOUTHERN CALIFORNIA,
"R. K. WILSON, *President.*"

Sincerely,

TRAFFIC MANAGERS CONFERENCE OF SOUTHERN CALIFORNIA,
By JOSEPH E. FRIAS,
Chairman, Legislative Committee.

CUSHMAN BAKING CO.,
Portland, Maine, April 29, 1957.

Senator GEORGE SMATHERS,
Washington, D. C.

DEAR SIR: We would like to go on record as opposing two bills, S. 1490 and H. R. 5664, which are pending before the Senate and House Interstate and Foreign Commerce Committees respectively, would registration of private carriers with ICC.

We are opposing these bills for the following reasons:

(1) Private motor carriers are a necessary part of the distribution system in the baking industry.

(2) Such carriers are essential to the carrying on of the functions of manufacturing and distributing bakery products.

(3) Such private motor carriers have not been considered subject to ICC control except for safety purposes.

(4) Such exemption from control has been considered desirable by Congress and the Commission, and has been sustained by the United States Supreme Court because such use of carriers is ancillary to the primary business of manufacturing bakery products.

(5) The assumption of control for purposes other than safety would seriously interfere with the distribution of bakery products.

Very truly yours,

E. S. CUSHMAN, *President.*

CLEVELAND, OHIO, *April 1, 1957.*

SURFACE TRANSPORTATION SUBCOMMITTEE,
Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

GENTLEMEN: On March 20 and March 21, 1957, the subcommittee conducted hearings on a number of items of legislation recommended by the Interstate Commerce Commission, among which was S. 1386, a bill to amend the Safety Appliance Acts to give the Interstate Commerce Commission authority to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power or train brakes. During the hearings I testified for the 23 standard railway labor organizations in support of S. 1386.

It was suggested that I file with the subcommittee illustrations of instances where train service employees were required, upon order of their superior officers, to take out trains despite knowledge by their superior officers that brake pipe pressure was below the prescribed standard or that the brakes were otherwise defective. In order that you may have before you reports of such instances not in my words, but in the language of the train service employees making the

reports, I am transmitting herewith original communications received by the officers of the railway labor organizations. These communications are as follows:

Telegram dated March 25, 1957, from E. Gongaware, general chairman of the Order of Railway Conductors and Brakemen, Chicago, Milwaukee, St. Paul & Pacific Railroad (lines east), to W. D. Johnson, vice president and national legislative representative of the Order of Railway Conductors and Brakemen.

Letter dated March 23, 1957, from Norman Spiegel, local chairman, to Mr. J. H. Whaley, chairman of the general grievance committee, Chicago & Northwestern Railway, Brotherhood of Railway Trainmen.

Letter dated February 22, 1956, from Paul E. Hewitt, Rock Island Lines, to Mr. W. P. Kennedy.

Letter dated March 23, 1957, from Mr. R. E. Swert, secretary general grievance committee, New York Central Railroad, lines west, to Mr. Harry See, national legislative representative of the Brotherhood of Railroad Trainmen.

Letter dated April 9, 1956, from Norman C. Connell, member, Alabama Lodge 161, Louisville & Nashville Railroad, to Mr. W. P. Kennedy, president of the Brotherhood of Railroad Trainmen.

Letter dated March 11, 1957, from J. H. Smith, general chairman of the Brotherhood of Railroad Trainmen on the Rock Island lines, to Mr. Harry See, attached to which is letter dated March 3, 1957, from Ernest F. Dean to Mr. Smith, and copy of Superintendent R. W. Anderson's order dated February 20.

Letter from Clyde Thompson, Illinois State legislative representative, BRT, to Mr. See under date of March 1, 1957, attached to which is copy of letter from F. W. Wallace, dated February 5, 1957, to officers and members of Danville Lodge No. 583, BRT (New York Central Railroad).

Letter dated May 11, 1956, from Mr. R. C. Wirth, Chairman, general grievance committee, BRT, Chicago Great Western Railway to Mr. W. P. Kennedy.

Letter dated January 26, 1957, from W. L. Cottingham, local chairman BRT, Chicago and Eastern Illinois Railroad, to Mr. W. P. Kennedy, to which is attached a copy of letter dated January 6, 1957, and copy of letter dated February 28, 1957, from Howard Roberts, secretary and treasurer of Lodge 583, BRT.

Memorandum prepared by H. G. Hudson, local chairman, BRT, Lodge No. 215 at Chattanooga, Tenn., on the Southern Railway.

Especially pertinent portions of these communications are marked in red in the margins.

I testified to the subcommittee that the railroads were not only failing to make proper airbrake inspections, but that they had disabled themselves from so doing by making huge reductions in the force of car inspectors. My testimony was derived from reports received from the employees. I am transmitting to you herewith five telegrams recently received by A. E. Lyon, executive secretary-treasurer of the Railway Labor Executives Association, which illustrate the tremendous depth of these cuts. The telegrams show reduction in the forces of car inspectors ranging from 10 percent to 45 percent. Enclosed are:

(1) Telegram from C. E. Baxter, general chairman, Brotherhood of Railway Carmen, Southern Railway, dated March 28, 1957, stating his estimate that 30 percent of inspectors' positions on Southern Railway have been abolished.

(2) Telegram dated March 28, 1957, from Peter S. Brooker, general chairman, Brotherhood of Railway Carmen, Santa Fe system, stating that there has been a cut of approximately 15 percent in car inspectors on that system.

(3) Telegram dated March 28, 1957, from M. A. Contabile, general chairman, Southern Pacific System, showing reduction of car inspectors' forces by approximately 24 percent, as well as abolition of seven main inspection points throughout Southern Pacific system.

(4) Telegram dated March 29, 1957, from Alex Granron, general chairman, stating that Erie Railroad has abolished 10 percent of car inspectors since 1950.

(5) Telegram dated March 29, 1957, from Jack Cohan, general chairman, stating that 45 percent of inspectors' positions have been abolished on the Chicago & Northwestern system since January, 1956.

We request that this material be made a part of the file of the subcommittee in these proceedings.

Very truly yours,

HAROLD C. HEISS.

MILWAUKEE, WIS, *March 25, 1957.*

W. D. JOHNS,
Vice President, Order Railway Conductors and Brakemen,
State Legislative Representative, 401 Third Street NW.:

Information received this office from freight train personnel to the effect that officer personnel this carrier, ranging from yardmaster, trainmasters, assistant superintendents, and superintendents are insisting that trains leave terminals knowing that trainline pressure not up to standard, and freight trains permitted to leave terminals in violation of consolidated code of the operating rules, ICC and A. R. A. joint rules.

E. GONGAWARE,
General Chairman, O. R. C. & B.

BROTHERHOOD OF RAILROAD TRAINMEN,
NORTHWESTERN LODGE 424,
Chicago, Ill., March 23, 1957.

Mr. J. H. WHALEY,
Chairman, GGC, 28 East Jackson Blvd.,
Chicago 4, Ill.

DEAR SIR AND BROTHER: With reference to yours of February 25, 1957 requesting information with respect to trainline pressure on freight trains operated on the Galena division.

Previous to June 21, 1956, the Galena division road crews were required to make a terminal air test as follows: After the headman coupled the engine to train, and cut in the air, he proceeded to look over his train, checking air, piston travel, handbrakes, etc. The hind man would after the air started to build up in the caboose, walk up toward the head end also checking aid, handbrakes, etc. When the two brakemen would meet, a signal would be given to the engineer to "set-up" the brakes, and then both brakemen would walk the air while the brakes were set-up toward the head end. When train was released the hind man inspected the train as it would pull by.

After the June date the management then advised the trainmen that in the future carmen would make the terminal airbrake test and that they would be handed form No. 17 which would relieve the traincrew from the requirements of testing or walking the train (bulletin attached).

In many instances the rear brakeman would receive this form No. 17, when the air hoses have not as yet been coupled, therefore the terminal air test was not made by carmen.

We made request from our road trainmen to keep track of the air pressure prior to departure and as an example here are some of the information received:

"January 14, 1957, Way car on train; 2:53 a. m., 35 lbs. air from yard machine; 3:46 a. m., yard air cutoff; 3:55 a. m., set out bad order; 4:01–4:55 a. m., by switch engine. Train again ready 5:50 a. m., departed 6:30 a. m. (please note no terminal test was made).

"January 16, 1957, yard air cutoff with 30 pounds showing on gauge, road engine tied on 2:33 a. m. No test was made with engine attached.

"February 19, 1957, yard air cutoff with 40 lbs., showing on gauge. Road engine tied on 3:49 a. m."

At the present time the trainmen have been instructed that when the gage shows 60 lbs. in the caboose that they would set the air by signal and if the 2 rear cars set and then release on signal then they would consider the terminal test as having been made.

Please note that in most instances the carmen do not have more than 40 lbs. of air pressure. Then how can a proper terminal air test be made with the modern AB brakes?

Attached you will find some of the information that I have received from trainmen.

I might add that in one instance the officers attempted to force a conductor to leave the terminal with 40 lbs. air pressure in caboose. However, the conductor insisted on not leaving until he had the proper pressure. On the next trip this conductor violated a minor operating rule and he was discharged.

I trust that this information would in some way be helpful.

Fraternally yours,

NORMEN SPIEGEL, *Local chairman.*

91289—57——22

LOCAL GRIEVANCE COMMITTEE,
BROTHERHOOD OF RAILROAD TRAINMEN,
NEW YORK CENTRAL RAILROAD, LINES WEST,
Toledo, Ohio, March 23, 1957.

Mr. HARRY SEE,
N. L. Representative,
401 Third Street NW., Washington, D. C.

DEAR SIR AND BROTHER: In connection with your request for information regarding instances where freight trains are required to leave terminals with less than standard train line pressure on caboose, the following is for your information.

1. Place: Air Line Junction, Toledo, Ohio.
2. Railroad: New York Central.
3. Train: CDB–4.
4. Date: November 23, 1956.
5. Time called: 10:30 a. m.
6. Conductor: D. S. Bowman.
7. Number of cars: 137.
8. Reading on caboose gage when air was tested by car inspectors: 62 pounds.
9. Reading on engine gage when air was tested: 80 pounds.
10. Reading on caboose gage when train departed terminal: More than 60 pounds, but less than 70 pounds. (See conductors, assistant general car foreman's and trainmaster's statement.)

STATEMENT OF CONDUCTOR BOWMAN AS TAKEN FROM TRANSCRIPT OF CARRIERS INVESTIGATION HELD ON NOVEMBER 26, 1956, AT 1:30 P. M. IN TRAINMASTER W. D. GLEASON OFFICE AT AIR LINE JUNCTION, TOLEDO, OHIO

I was called for this train and I got the bills from the bill office. I think it was 12:20 p. m. I went to the caboose. Mr. Marlowe, I believe, was in there at that time. The inspector was in the caboose and we didn't have very much air. We had less than 62 pounds at that time and finally the air held at 62 pounds. There was an air test made with 62 pounds on the caboose gage. I protested about that kind of air. It was not sufficient air to operate a train safely and Mr. Marlowe and the inspector then came in the caboose and they sat in the caboose until we had 65 pounds of air. He stated that the airmen were done with the train and he asked me would I start the train and I said I would start it when sufficient air. I would walk to yard office and instruct the yardmaster I had sufficient air to go. I went on with my writing and the air came up a little over 65 pounds. Mr. Frazer and Mr. MacDonald came in the caboose and decided I should go with that kind of air and in view of the rules and regulations, instructions, special notices we had I couldn't see how I could possibly go with that kind of air and I didn't go with that kind of air. Then I went out along in the afternoon and I cut out a car PLE 3705, 13th rear car had some leaks on that car. I tightened up a connection on another car NW 90189, leak on main reservoir and went back to the caboose and I had better air. I informed Mr. Frazer when he came back that I had gained some air by those two actions and he again asked me to go and I still didn't have 70 pounds of air as required by the rules and thinking of my own safety and safety of my crew and other trains on the road, I still didn't feel I should go with less than 70 pounds and that was my stand.

STATEMENT OF ASSISTANT GENERAL CAR FOREMAN GENE MARLOWE, TAKEN IN SAME INVESTIGATION

Mr. Meinen, the assistant general yardmaster called the office, said they had trouble on CDB–4 so I started walking back along the train and one of the inspectors said the conductor won't go unless he has 70 pounds of air so I asked him how many cars he had and I believe he said 137 so I went back and so Mr. Bowman the conductor and I asked him about it and he said that's right. At that time I believe he had 65 pounds of air. I said under our instructions on over 100 cars you have to go with 65. When we reached 65 we are through with you and when the gage reached 65 I called him over and showed it to him and called the inspector off and that was it.

STATEMENT OF TRAINMASTER R. J. FRAZER, TAKEN IN SAME INVESTIGATION

Upon arriving at the caboose on train CDB–4 of which Mr. Bowman was the conductor, in the accompaniment of General Yardmaster C. H. MacDonald and Mr. Marlowe, I asked Conductor Bowman why he wouldn't take the train out of the terminal. He replied that he would take it out when he had 70 pounds of air. At this time he had 66 pounds or a little more. I told him to take the train out of the terminal. He refused to leave, whereupon Mr. MacDonald and myself came back to the trainmaster's office at Air Line Junction and contacted a superior officer, where I was told to take Mr. Bowman out of service for insubordination. Upon arriving back at the caboose I again ask Mr. Bowman to leave at which time he had 69½ pounds of air. He again refused to leave the terminal, whereupon I took the man out of service and called an extra emergency conductor to fill his vacancy.

SUMMATION

Conductor R. Gunner was called to fill vacancy of Conductor Bowman and train departed terminal with more than 69 pounds but less than 70 pounds of air as indicated on the caboose gage and the airbrakes inoperative on PLE 3705 and PRR 741821, these cars having been reported to carrier before train departed terminal by Conductor Bowman.

It should be noted that in the investigation the following question was asked of Trainmaster R. J. Frazer by the representative of the B. of R. T.; "Mr Frazer, does the word of your superior official, I believe you said his name was Rozell, does your word or Mr. Rozell's word supercede the special instructions, laws, regulations which cover the employees in train service of the New York Central Railroad?" To which Mr. Frazer answered, "As far as I am concerned they do."

It is also worthy of mention, that existing instructions to car inspectors require that trains of more than 100 cars shall depart the terminal when they have 65 pounds of air.

In closing, Conductor Bowman was disciplined with a 30-day suspended sentence placed on his service record and also lost 3 days' work as a result of being out of service.

Trusting this information will be of assistance,

Fraternally yours,

R. E. SWEET,
Secretary, General Committee, New York Central Lines West.

BROTHERHOOD OF RAILROAD TRAINMEN,
ALABAMA LODGE NO. 161,
Montgomery, Ala., April 9, 1956.

W. P. KENNEDY,
President, Brotherhood of Railroad Trainmen,
Cleveland, Ohio.

M. J. WEIL,
General Secretary and Treasurer, Brotherhood of Railroad Trainmen,
Cleveland, Ohio.

DEAR SIRS AND BROTHERS: I would like to take this time and way to thank each of you for the thought, time, effort, and expense that you and the grand-lodge officers put forth to adopt the new brotherhood continuous-membership lapel pins.

I have recently been presented with my 15-year pin and I believe it is more attractive than any civic or fraternal pin that I have seen. I think that the idea of not having the number of years' service placed on the pin in such a way that it does not stand out over the trainman's insignia is very good and I have received several compliments from other union members of different unions, and men from civic clubs also, in regard to this feature of the pin.

Again, I would like to thank each of you and any other officer of the Brotherhood who might have had a part in this.

I would, also, like to take the time to mention that I received the booklet on the case that the Brotherhood of Railroad Trainmen and the Brotherhood of Locomotive Firemen and Engineers are making on the railroads in regard to long trains and the lack of proper inspection and maintenance of the equipment that we handle daily.

Recently, I was conductor on a freight train and I was required to handle a car next to caboose with train line broken and five cars ahead of this car was a dead engine. I also received instructions to pick up another car with train line broken and a car with drawhead out giving me a total of 4 cars on rear of train including caboose with no air and a dead engine 5 cars ahead of caboose. I called this condition to the chief train dispatcher but he told me to handle the cars as instructed so long as I had 85 percent of airbrakes working in train. This is just one case that we have on our division but we are confronted with similar cases almost daily.

Wishing you the best of success in the handling of this matter and I hope that I may be able to see each of you in person at the Dixie Booster Convention at Knoxville, Tenn., in June.

Fraternally yours,

NORMAN C. CONNELL,
Member, Alabama Lodge 161.

GENERAL GRIEVANCE COMMITTEE,
BROTHERHOOD OF RAILROAD TRAINMEN,
ROCK ISLAND LINES,
Chicago, Ill., March 11, 1957.

HARRY SEE,
National Legislative Representative,
401 Third Street, N. W., Washington 1, D. C.

DEAR SIR AND BROTHER: Supplementing my letter of March 4, 1957, in connection with the request made by you in your letter of February 16, for information which could be used by you in your testimony to be given before the committee holding hearings in connection with a bill introduced into Congress that will give the Interstate Commission authority to issue orders having to do with the promulgation and enforcement of rules, standards and instructions for the installation, inspection, maintenance, and repair of power brakes.

I am attaching hereto reports on this subject which have been furnished by our local chairmen of lodges No. 20 and No. 633. I would particularly direct your attention to the copy of the message which is dated February 20 and is addressed to the conductor and engineer on extra 48 west out of Eldon yard and which is signed by the division superintendent.

As other reports are received on this subject, they will be promptly forwarded to your office.

With kindest regards, I am,

Fraternally yours,

J. H. SMITH, *General Chairman.*

Subject: Your letter of February 21, 1957, File: 147–14.

TRENTON, MO., *March 3, 1957.*

J. H. SMITH,
General Chairman, Chicago, Ill.

DEAR SIR AND BROTHER: We have had several instances in the last month at Eldon, Iowa, where after the train was made up they would pump for some time on the air and could not get over 40 or 50 pounds pressure on the caboose gage. The dispatcher would then put out a message over the signature of Superintendent R. W. Anderson that it was O. K. to leave with the amount of pressure they had. As far as I can find out none of our crews left town until they either reduced the train or obtained the required 70 pounds. I obtained one of these messages from Conductor F. W. Huey that I am enclosing with this letter.

I am also enclosing a bulletin which was issued here at Trenton under date of February 18, 1957, stating that all car inspectors would be pulled off here effective February 20 during the hours of 4:30 p. m. until 9 p. m. and that we would have to couple all air hose and make air tests during these hours. So far they have had an airman on duty during these hours and have not required us to perform any of these duties but the bulletin has never been canceled.

Fraternally yours,

ERNEST F. DEAN,
L. C. Lodge 20, Trenton, Mo.

TRENTON, *Feb. 20.*

C. & E. EXTRA 48 WEST,
Eldon Yard.

O. K. to leave Eldon yd. with 50 lbs. air on rear end.

R. W. ANDERSON,
Supt.

3:15 a. m.

BROTHERHOOD OF RAILROAD TRAINMEN,
ILLINOIS LEGISLATIVE BOARD,
Chicago, Ill., March 1, 1957.

Mr. HARRY SEE,
National Legislative Representative, Brotherhood of Railroad Trainmen, 401 Third Street NW., Washington, D. C.

DEAR SIR AND BROTHER: In accordance with your letter dated February 6, 1957, addressed to "All General Chairmen and State Legislative Representatives with reference to furnishing you with certain data in connection with trains being moved in transit without proper airbrakes."

I am enclosing copy of a letter sent to me by the secretary of lodge 583. This letter was written by Brother F. W. Wallace, a brakeman on the New York Central Railroad operating between Lyons and Chicago, Ill. This letter is self-explanatory. You may be able to use it to an advantage before the Interstate Commerce Commission.

I am,
Fraternally yours,

CLYDE THOMPSON,
State Legislative Representative.

FEBRUARY 5, 1957.

Officers and Members, Danville Lodge No. 583,
(H. A. Roberts, S. and T.)

DEAR SIR AND BROTHER: In accordance with your letter dated February 6, 1957, importance to all railroad men. On January 30, 1957, Conductor Turner and crew, W. R. Balsley, F. W. Wallace, and E. O. Whitman were called out of E. Wood in freight pool service for 2:45 a. m. duty, engines 1607–1800. They were given 98 cars and were told to leave yard with 46 pounds of air by General Yardmaster Wayne.

They were given instructions to pick up more cars at Indiana Harbor; at that place they filled to 149 cars. There they were given a message over the superintendent's signature to leave with 35 pounds of air, and no air test was given by car inspector on duty. The engineman made a reduction and released the brakes and left, engineman being A. E. Skoog and Fireman B. Holman.

This is a violation of the Rules of Operation and Supervision of Air Brakes 1532 to 1538, inclusive, and the crew called this to the attention of Yardmaster Wayne and also to the superintendent's office but were told to proceed on their trip regardless of such. At no time during rest of trip to Lyons terminal did they have over 56 pounds of air in the caboose.

I believe that this matter should be presented to the ICC thru the proper channels of the lodge and that they be asked to correct the violations so as not to endanger the lives of men who have to ride behind a long train without proper braking air.

Enclosed is mesage from the superintendent authorizing the violation and a detailed list of time spent on working the air at E. Wood and Indiana Harbor and number of cars handled in trip submitted by Conductor Turner.

I believe that this is a just grievance that should be handled by this lodge.
Fraternally yours,

(Signed) F. W. WALLACE, No. 583.

BROTHERHOOD OF RAILROAD TRAINMEN,
GENERAL GRIEVANCE COMMITTEE,
Elmhurst, Ill., May 11, 1956.

Mr. W. P. KENNEDY,
President, Brotherhood of Railroad Trainmen, 1370 Ontario Street, Cleveland 13, Ohio.

DEAR SIR AND BROTHER: This committee wishes to call to your attention an incident that occurred on train No. 91, in charge of Brother F. C. Prideaux, lodge No. 707, Clarion, Iowa.

Conductor Prideaux was in charge of train No. 91, called at Oelwein, Iowa, on May 8, 1956, to operate between Oelwein and Clarion, Iowa, on the M. C. & F. D. district of the Minnesota division, Chicago Great Western Railway. Train line had 50 pounds of air when air was tried. After air was tried train line was reduced to 45 pounds released to 48 pounds and then ordered to leave Oelwein terminal. Train ran approximately 16 miles before train line had 60 pounds of air.

The above information for your file on long trains.

Fraternally yours,

R. C. WIRTH, *Chairman.*

DES MOINES, IOWA, *February 22, 1956.*

W. P. KENNEDY,
President, Brotherhood of Railroad Trainmen,
General Offices, Cleveland, Ohio.

DEAR SIR: After reading your letter regarding long trains and practices of poor air test and inspection of cars I feel it my duty to inform you of some of the conditions on the Rock Island, Des Moines division. Trains leaving Des Moines have practically no standard inspection or air tests at all. On 110- and 115-car trains, men are required to leave with an air test that consists of a carman getting on a caboose and waiting for air to show on gage and then calling yardmaster who relays over the loudspeaker to brakeman who gives set sign and in a minute or less, they say, air is O. K. and to leave. There is never any walking of trains unless Government inspectors are there. Brakemen are expected to assist in air tests at Manly and Des Moines. A full 50 percent of the time, there is something wrong with the train; leaks or broken train lines or something else that affects the safe braking and operation of the train.

I wish there was some way to stop the current practices. A number of the men here feel that the Brotherhood of Railroad Trainmen is letting them down. It is a messed-up division; 4 extra boards and 4 terminals are maintained, but only 1 place, Manly, even has any lodge meeting. This is 130 miles from other terminals, where the men work from and make their homes, Des Moines, Cedar Rapids, and Enver Grove.

Since February 20, 1956, there has been a change in jobs here but no change in bulletins. There is now and has been 2 assigned jobs and 2 pool jobs and much friction between the different jobs. New men have been working 1 or 1½ years without being asked to join the Brotherhood of Railroad Trainmen. The 4,000-mile limitation that the men voted in is just a farce here. One or two men make an effort to keep entries in the mile book.

I began working here in August and have never been assigned dates that represent my working month, even after I asked 2 or 3 times to be assigned certain dates.

I hope, sincerely, that something can be done about these existing conditions and would be glad to help myself if there is anything I can do.

Very truly yours,

PAUL E. HEWITT.

DANVILLE LODGE No. 583
February 28, 1957.

DEAR BOB: I have had numerous complaints from conductors and brakemen that the company is making the conductors run the trains on the Chicago & Eastern Illinois Railroad with only 35 to 40 lbs. of air in train line. This is causing many bad stops of the trains.

HOWARD ROBERTS, S. & T. 583.

BROTHERHOOD OF RAILROAD TRAINMEN,
INCLINE LODGE No. 242,
Evansville, Ind., January 26, 1957.

Mr. W. P. KENNEDY,
President, *Brotherhood of Railroad Trainmen.*

DEAR SIR AND BROTHER: Enclosed is a copy of letter from Conductor E. W. Tiemann, Evansville, Ind., on Chicago & Eastern Illinois Railroad, to Trainmaster J. E. Jett, which is self-explanatory. This is by no means an isolated case, as this train No. 83 (or its extra) is operated daily with from 100 to 180 cars, with frequent stops to be made en route for the purpose of setoffs and pickups (average 3 to 6 daily).

There has been no one in authority to say what is proper air gage pressure shown on the caboose, therefore no trainmen are sure what they can expect or demand. On numerous occasions the caboose gage has shown as little as 25 pounds of pressure, yet if the cylinder on caboose show a setup and release the car inspectors O. K. the train, saying the caboose gages are not right. It is not unusual to have to stop and bleed and/or cut out several cars shortly after leaving a terminal, especially south out of Brewer yard.

In addition when engines are cut off for any length of time, such as doubling over at Dewey (Terre Haute) to meet other trains or while making setoff and pick up at Baker yard (Terre Haute) the engines sometimes will not release the rear end cars at all. This causes the trainmen to have to bleed the entire rear end and the train is delayed a considerable length of time unnecessarily.

We have experienced considerable delay by this trouble, especially since the colder weather, by the carriers' refusal to shorten this train as was the custom prior to dieselization. In addition to the delay and added work it has placed on the trainmen this is not very safe for our members who are required to work on the caboose.

Fraternally yours,

W. L. COTTINGHAM,
Local Chairman Railroad Brakemen.

BROTHERHOOD OF RAILROAD TRAINMEN,
January 6, 1957.

Regarding injury to Brakeman J. E. Hilderbrandt, and the shock and suffering each of us were subjected to at that time.

It is my firm belief that the length of our train and failure of airbrakes to work properly, contributed to our abuse.

We had 128 cars and 4 diesel units on this train. When we left Brewer the gage on our caboose registered 35 pounds. The car inspector stated that in a test on this gage less than a week ago, it was found to register 10 pounds less than actual train line pressure. If that's correct we still had only 45 pounds.

The shock occurred on the rear of the train at least 1 minute before the sound of brakes setting in emergency.

It has been my experience in the past, that any shock or lunge is felt on rear of train considerably later than the sound of the brakes. In fact under the conditions in which this stop was made—slack stretched and engines working—I can remember no time when an emergency stop was not a better stop than average. This one was the worst I have ever experienced under any circumstances. I feel that this was due to improper charging of the train line before leaving the terminal, and that is the sole reason for our being physically abused. I also want instructions and advice as to how much air does properly charge a train line, and authority to demand it at terminals.

In this respect I suggest that at least 30 minutes be used to charge any train of over 75 cars. This to be computed from time engine is on and entire train coupled together. My reason for this is also an observation of the gage on this particular trip. After the stop at Gessie we waited 1 hour and 20 minutes for the main to be cleared, and after that amount of time, our gage showed 65 pounds.

Since I feel that this incident was an unnecessary risk to my flagman, and myself and that the danger in this respect cannot be overemphasized, I would also appreciate any advice your superiors would render.

Conductor E. W. TIEMANN.

Diesels referred to are 1401–1500–1301–1406; train No. 83 of January 6, 1957; caboose No. 17.

CHATTANOOGA LODGE, No. 215.

BRAKE TESTS AND OPERATING PRESSURE OF TRAINS ON THIRD DISTRICT OF CINCINNATI, NEW ORLEANS & TEXAS PACIFIC RAILWAY BETWEEN CHATTANOOGA AND OAKDALE, TENN., A DISTANCE OF 84 MILES

The northbound trains originate at Chattanooga, southbound at Oakdale.

February 28: Extra 6805 north—Conductor Bradshaw and Engineer Summers called for 1:15 p. m.; departed 2:20 p. m., central standard time with 69 loads and 85 empties (5,498 tons).

Airbrakes applied and released in yard with 50 pounds pressure and train departed with that pressure.

At Hixon, 9 miles from terminal, air reached 62 pounds.

At Rathburn, 19 miles from terminal it reached 64 pounds, and that was maximum pressure for trip.

A check with engineer at Evensville 44 miles out showed he had 80 pounds pressure on engine gage.

February 28, 1957: First 54, engine 4137—Conductor Smith, Engineer Lehman called for 7:40 p. m., eastern standard time, with 140 cars, 5,490 tons, and departed at 8:45 p. m., eastern standard time.

Brakes tested with 50 pounds air, was told to leave yard and did depart with this pressure.

Stopped in siding at Hixon 9 miles out with 62 pounds pressure and after departing and passing Montlake 16 miles reached maximum pressure for trip, 68 pounds.

March 2, 1957: Conductor Cox—extra 6806 north called for 1:00 p. m., central standard time, 80 loads and 45 empties, (5,471 tons).

No record of pressure when brakes applied, but they released with 40 pounds pressure, and when pressure reached 55 pounds crew was told to leave yard.

At Rathburn, 19 miles out, pressure reached 78 pounds maximum.

March 4, 1957: Conductor Smith and Engineer Lehman called for 1:55 p. m., eastern standard time, 82 loads, 44 empties (5,459 tons). Departed at 2:15 p. m., with 50 pounds air pressure. Passed Hixon 9 miles out with 65 pounds, passed Daisy 16 miles out with 70 pounds, passed Rathburn 19 miles out with 75, this being maximum of trip.

March 5, 1957: Same crew as above, extra 4225 north called for 6:15 p. m., eastern, standard time, with 29 loads, 56 empties (2,691 tons).

Tried brakes with 60 pounds pressure, and departed with same, but on passing Citico Junction, about 2 miles, pressure reached 80 pounds, maximum for trip.

No. 154 (north): Conductor Jackson departed Citico at 7:20 p. m., central standard time on March 7, 1957, with 63 loads, 84 empties (5,414 tons), the caboose gage showing 50 pounds air pressure; this pressure built up to 69 pounds at Graysville 33 miles out. Fireman Doyal states that 80 pounds air on gage leaving terminal at all times during trip. However, only 69 pounds ever recorded on caboose gage.

Extra 6113 north: Conductor Jackson on March 9, 1957, departed Chattanooga with 130 cars (85 loads and 45 empties). Air pressure on gage was 50 pounds; maximum pressure reached at Sale Creek 28 miles out and 1 hour later, this pressure being 68 pounds.

No. 50, engine 4165: Conductor J. C. Cox called for 6:30 a. m., central standard time, March 9, 1957, with 69 loads and 58 empties (5,450 tons).

Brakes applied at 48 pounds pressure, a 10-pound reduction being made; was released and instructed to leave yard when 46 pounds pressure reached.

At Daisy 16 miles out maximum pressure of 60 pounds reached.

March 9, 1957: Extra 4267 south—Conductor Smith, Engineer Lehman called for 9:45 p. m. central standard time. Departed 10:20 p. m. central standard time with 80 loads and 40 empties (5,274 tons).

Test made with 60 pounds pressure and departed with same; at Harriman, 4 miles out, pressure reached 70 pounds. at Rockwood 14 miles out, pressure was 75 pounds, this being maximum for trip.

March 9, 1957: Conductor Smith and Engineer Lehman on extra 6112 north called for 1:30 p. m. eastern standard time with 90 loads and 33 empties (5,444 tons).

Brakes tested with 60 pounds pressure, departed at 1:55 p. m. eastern standard time with 60 pounds pressure.

Pressure at Hixon 9 miles out, 70 pounds; pressure at Daisy 16 miles out, 74 pounds; pressure at Rathburn 19 miles out, 77 pounds, this being maximum.

March 12, 1957: Same crew as above called for 10:30 p. m., central standard time, departed at 11:10 p. m., central standard time, at Oakdale with 69 loads and 54 empties (5,500 tons).

Brakes tested with 45 pounds pressure; departed with 57 pounds pressure.

At Harriman, 4 miles out, pressure was 65 pounds; at Emory Gap 7 miles out, pressure was 70 pounds; at Rockwood, 14 miles out, pressure was 76 pounds, this being maximum.

March 12, 1957: Conductor Smith and Engineer Lehman called for 1:45 p. m., eastern standard time, on extra 4155 north with 43 loads and 21 empties (2,712 tons).

Departed at 2:45 p. m., with 73 pounds pressure. Passed Daisy 16 miles out with 78 pounds, maximum reached.

March 14, 1957: Conductor Smith and Engineer Lehman called for 1:50 p. m., eastern standard time, with 82 loads and 58 empties (5,482 tons).

Departed at 2:35 p. m., eastern standard time with 48 pounds train line pressure.

Passed Hixon 9 miles out with 62 pounds pressure; passed Daisy 16 miles out with 68 pounds pressure; passed Rathburn 19 miles out with 70 pounds pressure, this being maximum reached on trip.

The above information is just as I have received it from the various conductors and flagmen, all figures quoted being pressure on cabooses except where stated otherwise. However, after consulting several engineers, and from my personal observation, I find that immediately after brake valve is placed in running position that the engine gage records maximum train line pressure and does not vary.

You will note that where shorter trains are indicated that the pressure builds up very quickly.

Hope this is the information wanted.

Fraternally yours,

H. G. HUDSON, *Local Chairman.*

SPARTANBURG, S. C., *March 28, 1957.*

A. E. LYON,
401 Third Street NW.:

My estimation 30 percent of inspectors' positions on Southern Railway have been abolished.

C. E. BAXTER, *General Chairman.*

PHOENIX, ARIZ., *March 28, 1957.*

A. LYON,
401 Third Street NW.:

Re A. J. Bernhardt wire, March 28, 1957, approximately 15 percent cut on inspectors.

PETER S. BROOKER,
General Chairman of Carmen Santa Fe System.

ALHAMBRA, CALIF., *March 28, 1957.*

A. E. LYON,
401 Third Street NW., Washington, D. C.:

This is to advise percentage of positions abolished to total amount of car inspectors now employed on Southern Pacific property.

Past forces approximately 1,000 car inspectors; present forces approximately 700 car inspetcors. Reduction approximately 300 car inspectors, percentage approximately 24 percent.

Also 7 main inspection points have been abolished throughout Southern Pacific System. CC: To Mr. A. J. Bernhardt, general president, 4929 Main Street, Kansas City, Mo.

M. A. CONTABILE,
Southern Pacific General Chairman.

MARCH 29, 1957.

Mr. A. E. LYON:

Erie Railroad abolished 10 percent of car inspectors since 1950.

ALEX GRANBON.

CHICAGO, ILL., *March 29, 1957.*

A. E. LYON,
401 Third Street NW.:

Forty-five percent inspectors' positions abolished on Chicago and Northwestern System since January 1956.

JACK COHAN,
General Chairman, Car Men's Organization.

Senator SMATHERS. So, on this phase of the hearings, we are going to bring them to an end and the subcommittee will, after this, go into executive session to determine just what we will report and just what we will not report.

With respect to other phases of transportation legislation which we expect to get into beginning April 15, we have given everybody notice, and we will start on another phase of this whole transportation program at that time.

Thank you very much.

Senator PURTELL. I would like to express my thanks to the witnesses. They have been very helpful, Mr. Chairman.

Senator SMATHERS. Very helpful, and very good.

Thank you.

(Whereupon, at 5:42 p. m., the subcommittee adjourned.)

[S. 1490, 85th Cong., 1st sess.]

AMENDMENTS

Intended to be proposed by Mr. THURMOND (for himself, Mr. YARBOROUGH, Mr. LAUSCHE, Mr. POTTER, Mr. SCHOEPPEL, and Mr. MONRONEY) to the bill (S. 1490) to amend part II of the Interstate Commerce Act to require the filing of brief statements by motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission, viz: On page 1, beginning with line 7, strike out all through line 8 on page 2, and in lieu thereof insert the following:

SEC. 226a. In order to assist the Commission in carrying out its powers and duties under section 204 with respect to motor carriers which are subject only to the rules and regulations of the Commission relating to qualifications and maximum hours of service of employees and safety of operation and equipment, the Secretary of the Treasury is authorized to furnish to the Commission, at such times as it may request, a list of the names and addresses of taxpayers who have filed returns with respect to the tax imposed by section 4481 of the Internal Revenue Code of 1954 on the use of certain highway motor vehicles. The Commission shall reimburse the Secretary of the Treasury for the costs of preparing such lists.

Amend the title so as to read: "A bill to amend part II of the Interstate Commerce Act so as to assist in the acquisition of information concerning motor carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission."

TREASURY DEPARTMENT,
Washington, D. C., May 21, 1957.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in reply to you request of May 17 for the views of this Department on an amendment intended to be proposed to the bill S. 1490 by Senators Thurmond, Yarborough, Lausche, Potter, Schoeppel, and Monroney.

The proposed amendment would authorize the Secretary of the Treasury to furnish the Interstate Commerce Commission, at such times as it may request, a list of the names and addresses of taxpayers who have filed returns with respct to the tax imposed by section 4481 of the Internal Revenue Code on the use of certain trucks. The Interstate Commerce Commission would reimburse the Sec-

retary for the cost of preparing such lists. In this connection, you particularly request an estimate of the cost of preparing such lists.

The tax imposed by section 4481 is an annual tax required to be paid by the registered owner of vehicles having a taxable gross weight of more than 26,000 pounds. It became effective July 1, 1956, but because of the time necessary to prepare regulations and forms, the return for the first year was not required to be filed until January 31, 1957. Furthermore, all returns due during the fiscal year 1957 have not yet been received. When the first taxable use of a vehicle occurs after the beginning of the fiscal year, a return is not due until the end of the month following the month of such first use. In view of these two circumstances, the Department does not have knowledge of the actual number of returns that have been and are likely to be received under this tax. For administrative purposes, however, we are estimating that the number of returns will be about 500,000, of which half will be full-year returns and the other half will cover partial years. The Department also has no firm figure as to the per item cost of preparing lists of such returns, but on a preliminary basis we estimate that it should not exceed 10 cents per item. If the number of returns and the cost per item turn out to be reasonably close to the estimates given, the total annual cost of preparing lists of all returns should not exceed $50,000.

If the Department is reimbursed for the preparation of the lists proposed by the bill, it would have no objection to the proposed amendment to the present draft of S. 1490. The budget of the Internal Revenue Service is designed for the collection of taxes, however, and we would not wish to have to divert any of these moneys to preparing the proposed lists on a nonreimbursable basis.

The Department's position on the proposed amendment is related solely to the cost involved in the preparation of the proposed lists. Since the purpose of the amendment is not related to the functions of this Department, we are not making any comments on the purpose of said amendment.

The Director, Bureau of the Budget, has advised the Treasury Department that there is no objection to the presentation of this report.

Sincerely yours,

DAN THROOP SMITH,
Deputy to the Secretary.

INTERSTATE COMMERCE COMMISSION,
Washington, D. C., May 21, 1957.

Hon. WARREN G. MAGNUSON
Chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

DEAR CHAIRMAN MAGNUSON: Your letter of May 17, 1957, requesting an expression of views on the text of amendments intended to be proposed by Senators Thurmond, Yarborough, Lausche, Potter, Schoeppel, and Monroney to bill S. 1490, to amend part II of the Interstate Commerce Act to require the filing of brief statements by carriers subject only to the safety and hours of service regulations of the Interstate Commerce Commission, has been referred to our Committee on Legislation. After consideration by that Committee, I am authorized to submit the following comments in its behalf:

S. 1490, as originally introduced, would have required motor carriers subject only to the Commission's hours of service and safety regulations to file with the Commission, once each year, a brief statement showing their name, location, and number of vehicles owned or operated. It would have applied only to private carriers of property, exempt commodity haulers under section 203 (b) (6) of the Interstate Commerce Act, local carriers in commercial zones, and carriers operating in foreign commerce between points in foreign countries through the United States, all of which are now subject to the Commission's safety regulations. The only purpose of the proposed measure was to enable the Commission to learn the identity and location of such carriers in order to obtain more effective compliance with the safety regulations to which they are already subject.

Under the amendments intended to be proposed, entirely new language would be substituted for the language of the original bill adding a new section 226a to part II of the act. The substitute provision would authorize the Secretary of the Treasury to furnish the Commission, upon request, lists of the names and addresses of taxpayers who have filed returns with respect to the tax imposed by section 4481 of the Internal Revenue Code (Federal use tax on

highway motor vehicles). The Commission would be required to reimburse the Secretary for the costs of preparing such lists.

The tax return from which such lists would be compiled is IRS Form 2290 which, in general, is required to be filed by every registered owner (registered in accordance with various State laws) of a highway motor vehicle having a gross weight in excess of 26,000 pounds. This requirement applies to all such vehicles whether used in interstate commerce or not, and there is no information included on the form to show the type of service in which the vehicle is used. There is also no information requested on the form which would indicate whether or not the taxpayer holds operating authority from the Commission.

We wish to point out in this connection that this avenue was fully explored with the Treasury Department before the Commission submitted its draft bill. In a reply dated November 16, 1956, to an inquiry respecting the possibility of placing a question on the tax return, or on a registration form, as to whether the vehicle would be used by the owner in operations over the highways of more than one State, the General Counsel for the Treasury Department advised as follows:

"There is to be no general registration of truck owners. If the owner of a vehicle comes under the tax, he is required each year to make his tax return and to pay the proper tax.

"The form of return which has been approved and is now in the course of preparation does not require any disclosure as to whether or not the vehicle will be used by the owner in operations over the highways of more than one State.

"I am sorry that my answer has to be so negative, but apparently we will not have any information which will be helpful to you in the regulation of interstate carriers."

In our opinion, the great majority of returns, perhaps as high as 70 percent, are filed by owners of motor vehicles not engaged in interstate commerce. The lists, therefore, would include the names of many thousands of persons who are not subject to the Commission's safety regulations. The lists would also include the names of carriers holding operating authority from the Commission, which, of course, are known to the Commission and have already been served with copies of the regulations. In order, therefore, to obtain the information desired, i. e., the names and addresses of carriers subject only to the safety regulations, it would first be necessary to check the lists against the Commission's records so as to eliminate the names of carriers holding authority from the Commission, of which there are some 18,000 to 20,000. It would be an impossible task for our field staff to then interview each of the remaining taxpayers or by some other means determine whether they are engaged in interstate commerce and subject to the regulations. Thus, it may readily be seen that all of this would pose an insurmountable problem. In addition, the cost under the proposed amendment would be prohibitive. It would, in our opinion, result in a waste of the taxpayers' money. Under the original bill the cost would be nominal.

We believe that it should also be pointed out in this connection that the information collected on the basis of the lists furnished by the Secretary would still be incomplete since the owner of the vehicle who files the return and pays the tax may be someone other than the operating carrier which is responsible for complying with the safety regulations. Many tax returns, for example, are undoubtedly filed by truck-rental companies which do not themselves operate the vehicles. The lists would also be incomplete for our purpose because they would not include owners or operators of vehicles having a gross weight not in excess of 26,000 pounds.

If, however, such an amendment to the bill should receive favorable consideration by your committee, we suggest that the Internal Revenue Code be appropriately amended so as to require that the highway motor vehicle Federal use tax return include information as to the number of vehicles operated over the highways or more than one State and as to whether the person filing the return has been issued a certificate or permit by the Commission. The lists to be furnished by the Secretary under the proposed amendment would then only need to show the names and addresses of taxpayers owning motor vehicles operated in more than one State who do not hold operating authority from the Commission. This would serve to eliminate some of the administrative difficulties

mentioned above. We also suggest in this connection that the proposed amendment to the bill be further amended so as to provide that the Secretary of the Treasury be authorized and directed to furnish the lists upon request by the Commission. This could be accomplished by inserting the words "and directed" between the words "authorized" and "to" in line 2, page 2, of the proposed amendment.

For the reasons stated above, we do not believe that the amendment intended to be proposed to S. 1490 would be a satisfactory substitute for the bill as originally introduced.

Respectfully submitted.

OWEN CLARKE, *Chairman.*
ANTHONY ARPAIA,
ROBERT W. MINOR,
Committee on Legislation.

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